

CLOSED

**U.S. District Court [LIVE]
Western District of Texas (San Antonio)
CRIMINAL DOCKET FOR CASE #: 5:18-mj-01487-HJB All Defendants**

Case title: USA v. Soto et al

Date Filed: 12/07/2018

Other court case number: 6:18-MJ-173 TXSD – Corpus
Christi Division

6:18mj 173

Assigned to: Judge Henry J.
BemporadUnited States District
Court
Southern District of Texas
FILED

DEC 20 2018

Defendant (1)**Jose J. Soto**

TERMINATED: 12/17/2018

represented by **Duty Pub. Defender – San Antonio**

David J. Bradley, Clerk of Court

Federal Public Defender
San Antonio Division
727 E. Cesar E. Chavez Blvd.
Suite B207
San Antonio, TX 78206
(210) 472-6700
Fax: 210/472-4454
Email: janie_craig@fd.org
TERMINATED: 12/10/2018
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
*Designation: Public Defender or Community
Defender Appointment*

Kurt Gene May
Federal Public Defender
727 E. Cesar E. Chavez Blvd.
Room B-207
San Antonio, TX 78206
(210)472-6700
Fax: 210/472-4454
Email: kurt_may@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
*Designation: Public Defender or Community
Defender Appointment*

Scott W. McCrum
Attorney at Law
404 East Ramsey Rd. Suite 102
San Antonio, TX 78216
(210) 225-4851
Fax: 2102257045
Email: scott@mccrumdefense.com
LEAD ATTORNEY

ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts

None

Disposition

Highest Offense Level
(Opening)

None

Terminated Counts

Disposition

None

Highest Offense Level
(Terminated)

None

Complaints

Disposition

18:922A.F – Illegal Exportation
 on the Munitions List, 18:554.F –
 Engaging in the Business of
 Dealing in Firearms, for profit,
 without a license, 18:371.F –
 Conspiracy

Assigned to: Judge Henry J.
 Bemporad

Defendant (2)

Derek Quintanilla

represented by **Michael W. McCrum**
 McCrum Law Office
 404 E. Ramsey Rd, Suite 102
 San Antonio, TX 78216
 (210)225-2285
 Fax: 210/225-7045
 Email: michael@mccrumlegal.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts

Disposition

None

Highest Offense Level

(Opening)

None

Terminated Counts**Disposition**

None

Highest Offense Level
(Terminated)

None

Complaints**Disposition**

18:922A.F – Illegal Exportation
on the Munitions List, 18:554.F –
Engaging in the Business of
Dealing in Firearms, for profit,
without a license, 18:371.F –
Conspiracy

Assigned to: Judge Henry J.
Bemporad

Defendant (3)

Samuel Cardenas

represented by **John H. Robertson**
Brylak & Associates
15900 La Cantera Pkwy.
Suite 19245
San Antonio, TX 78256
(210) 733-5533
Fax: (210) 558-4804
Email: jrobertson@brylaklaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts**Disposition**

None

Highest Offense Level
(Opening)

None

Terminated Counts**Disposition**

None

Highest Offense Level**(Terminated)**

None

Complaints**Disposition**

18:922A.F – Illegal Exportation
on the Munitions List, 18:554.F –
Engaging in the Business of
Dealing in Firearms, for profit,
without a license, 18:371.F –
Conspiracy

Assigned to: Judge Henry J.
Bemporad

Defendant (4)

Alex Bautista

represented by **Joe Stenberg**
Attorney at Law
722 E Euclid Avenue
San Antonio, TX 78212
(210) 226-5818
Fax: 210/226-5867
Email: atyjoe@aol.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Justin Allen Fischer

Law Office of Justin A. Fischer
6851 Citizens Parkway, Ste. 222
San Antonio, TX 78229
(210) 341-4070
Fax: (210) 341-4459
Email: justinfischerlaw@gmail.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts**Disposition**

None

Highest Offense Level**(Opening)**

None

Terminated Counts**Disposition**

None

Highest Offense Level

(Terminated)

None

Complaints

Disposition

18:922A.F – Illegal Exportation
on the Munitions List, 18:554.F –
Engaging in the Business of
Dealing in Firearms, for profit,
without a license, 18:371.F –
Conspiracy

Plaintiff

USA

represented by **John Michael Gibson**
Assistant U.S. Attorney
601 NW Loop 410
Suite 600
San Antonio, TX 78216
(210) 384-7100
Fax: (210) 384-7276
Email: John.Gibson3@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Page	Docket Text
12/07/2018	<u>1</u>	8	Arrest (Rule 5/Rule 32.1) of Jose J. Soto, Derek Quintanilla, Samuel Cardenas, Alex Bautista (kh2) (Entered: 12/07/2018)
12/07/2018	<u>2</u>	38	MOTION to Detain Defendant without Bond, MOTION to Continue by USA as to Jose J. Soto. (kh2) (Entered: 12/07/2018)
12/07/2018	<u>3</u>	41	MOTION to Detain Defendant without Bond, MOTION to Continue by USA as to Samuel Cardenas. (kh2) (Entered: 12/07/2018)
12/07/2018	<u>4</u>	44	MOTION to Detain Defendant without Bond, MOTION to Continue by USA as to Alex Bautista. (kh2) (Entered: 12/07/2018)
12/07/2018	<u>5</u>	47	Minute Entry for proceedings held before Judge Henry J. Bemporad:Initial Appearance in Rule 5(c)(3)/ Rule 32.1 Proceedings as to Jose J. Soto, Derek Quintanilla, Samuel Cardenas, Alex Bautista held on 12/7/2018 (Minute entry documents are not available electronically.) (Court Reporter FTR GOLD.) (kh2) (Entered: 12/07/2018)
12/07/2018	<u>6</u>		CJA 23 Financial Affidavit by Jose J. Soto (SEALED pursuant to E-Government Act of 2002). (kh2) (Entered: 12/07/2018)
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			ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Jose J. Soto. Signed by Judge Henry J. Bemporad. (kh2) (Entered: 12/07/2018)
12/07/2018	<u>8</u>		CJA 23 Financial Affidavit by Samuel Cardenas (SEALED pursuant to E-Government Act of 2002). (kh2) (Entered: 12/07/2018)
12/07/2018	<u>9</u>	51	ORDER APPOINTING COUNSEL John Herbert Robertson as to Samuel Cardenas. Signed by Judge Henry J. Bemporad. (kh2) (Entered: 12/07/2018)
12/07/2018	<u>10</u>		CJA 23 Financial Affidavit by Alex Bautista (SEALED pursuant to E-Government Act of 2002). (kh2) (Entered: 12/07/2018)
12/07/2018	<u>11</u>	52	ORDER APPOINTING COUNSEL Joe Stenberg as to Alex Bautista. Signed by Judge Henry J. Bemporad. (kh2) (Entered: 12/07/2018)
12/07/2018	<u>12</u>	53	ORDER Setting Conditions of Release as to Derek Quintanilla (2) \$50,000.00 UNSECURED BOND. Signed by Judge Henry J. Bemporad. (kh2) (Entered: 12/07/2018)
12/07/2018	<u>13</u>	56	Appearance Bond Filed as to Derek Quintanilla in amount of \$ 50,000.00 UNSECURED. (kh2) (Entered: 12/07/2018)
12/07/2018	<u>14</u>	58	ORDER GRANTING MOTION FOR CONTINUANCE as to Jose J. Soto, Samuel Cardenas, Alex Bautista: 3 MOTION to Detain Defendant without Bond MOTION to Continue filed by USA, 4 MOTION to Detain Defendant without Bond MOTION to Continue filed by USA, 2 MOTION to Detain Defendant without Bond MOTION to Continue filed by USA. (Identity, Preliminary and Detention Hearing set for 12/12/2018 10:00 AM before Judge Elizabeth S. Chestney). Signed by Judge Henry J. Bemporad. (kh2) Modified on 12/7/2018 (kh2). (Entered: 12/07/2018)
12/07/2018	<u>15</u>	65	ORDER as to Derek Quintanilla, (Identity and Preliminary Hearing set for 12/12/2018 10:00 AM before Judge Elizabeth S. Chestney,). Signed by Judge Henry J. Bemporad. (kh2) (Entered: 12/07/2018)
12/07/2018		67	Notice of Correction: <u>14</u> Order Granting Motion for Continuance text edited to reflect hearing before Judge Chestney not Judge Bemporad. (kh2) (Entered: 12/07/2018)
12/10/2018	<u>16</u>	69	NOTICE OF ATTORNEY APPEARANCE: Kurt Gene May appearing for Jose J. Soto . Attorney Kurt Gene May added to party Jose J. Soto(pty:dft) (May, Kurt) (Entered: 12/10/2018)
12/10/2018	<u>17</u>	70	NOTICE OF ATTORNEY APPEARANCE: Scott W. McCrum appearing for Jose J. Soto . Attorney Scott W. McCrum added to party Jose J. Soto(pty:dft) (McCrum, Scott) (Entered: 12/10/2018)
12/10/2018	<u>18</u>	71	NOTICE OF ATTORNEY APPEARANCE: Justin Allen Fischer appearing for Alex Bautista (Fischer, Justin) (Entered: 12/10/2018)
12/11/2018	<u>19</u>	72	Waiver of identity Hearing & Preliminary Hearing by Derek Quintanilla (McCrum, Michael) Modified text on 12/11/2018 (wg). (Entered: 12/11/2018)
12/12/2018	<u>20</u>	73	Minute Entry for proceedings held before Judge Elizabeth S. Chestney: Bond Hearing as to Samuel Cardenas, Alex Bautista held on 12/12/2018 (Minute entry documents are not available electronically.) (Court Reporter FTR GOLD.) (tij) (Entered: 12/17/2018)

12/12/2018	<u>21</u>	74	WAIVER of Identity Hearing & Preliminary Hearing as to Samuel Cardenas. (tij) (Entered: 12/17/2018)
12/12/2018	<u>22</u>	75	WAIVER of Identity Hearing & Preliminary Hearing as to Alex Bautista. (tij) (Entered: 12/17/2018)
12/12/2018	<u>23</u>	76	WAIVER of Identity Hearing & Preliminary Hearing as to Jose J. Soto. (tij) (Entered: 12/17/2018)
12/12/2018	<u>24</u>	77	ORDER Setting Conditions of Release as to Samuel Cardenas (3) \$50,000.00 UNSECURED BOND. Signed by Judge Elizabeth S. Chestney. (tij) (Entered: 12/17/2018)
12/12/2018	<u>25</u>	80	Appearance Bond Filed as to Samuel Cardenas in amount of \$ 50,000.00 UNSECURED.(tij) Modified on 12/17/2018 (tij). (Entered: 12/17/2018)
12/12/2018	<u>28</u>	85	ORDER Setting Conditions of Release as to Alex Bautista in amount of \$ 30,000.00 UNSECURED. Signed by Judge Elizabeth S. Chestney. (tij) (Entered: 12/17/2018)
12/14/2018	<u>26</u>	82	Minute Entry for proceedings held before Judge Elizabeth S. Chestney: Detention Hearing as to Jose J. Soto held on 12/14/2018 (Minute entry documents are not available electronically.) (Court Reporter FTR GOLD.) (tij) (Entered: 12/17/2018)
12/14/2018	<u>27</u>	83	ORDER GRANTING <u>2</u> Motion to Detain Defendant without Bond. Bond set to Detained without Bond Pending Trial as to Jose J. Soto (1). Signed by Judge Elizabeth S. Chestney. (tij) (Entered: 12/17/2018)
12/17/2018	<u>29</u>	88	Appearance Bond Filed as to Alex Bautista in amount of \$30,000.00 UNSECURED. (tij) (Entered: 12/17/2018)
12/17/2018	<u>30</u>	90	ORDER OF REMOVAL – COMMITMENT TO ANOTHER DISTRICT as to Jose J. Soto. Defendant committed to District of SDTX/Corpus Christi – 6:18-MJ-0179-01.. Signed by Judge Elizabeth S. Chestney. (tij) (Entered: 12/19/2018)

1099182.1/11 Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

SEALED

United States of America

JOSE Y. SOTO (1)
 DEREK VILLENTINILLA (2)
 SAMUEL CARDENAS (3)
 ALEX CHAUTISTA (4)
 (Continued)

Case No:

6:18mj173

United States Courts
Southern District of Texas
FILED

DEC - 5 2018

David J. Bradley, Clerk of Court

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 12/05/2018 in the county of Webb in the Southern District of Texas, the defendant(s) violated:

Code Section:	Offense Description:
Title 18 USC 922 (a)(1)(A)	Illegal Exportation of items on the Munitions List
Title 18 USC 504	Engaging in the business of dealing in firearms, for profit, without a license
Title 18 USC 2373	Conspiracy

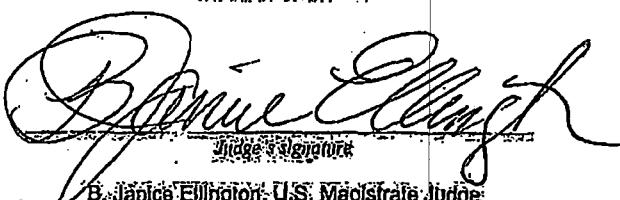
This criminal complaint is based on these facts:
 (See Attached Affidavit)

2) Continued on the attached sheet:


Complainant's signature

Brandon Black, A.F. Special Agent

Planned date and time

Submitted by reliable electronic means,
sworn to, signature attested telephonically
per Fed. R. Crim. P. 3.1 and probable cause
found.Date: 12/05/2018
Judge's signature

B. Janice Ellington, U.S. Magistrate Judge

Planned date and time

City and state: Corpus Christi, Texas

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A CRIMINAL COMPLAINT**

I, Brandon J Black, am employed as a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), United States Department of Justice (DOJ), having been duly sworn, do hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and have been employed in this position for the past fifty-three (56) months. As an ATF Special Agent I have personally conducted multiple complex criminal investigations on a variety of federal and state criminal statutes; some specifically involving the unlawful possession of firearms by prohibited persons, dealing in firearms without a license, the illegal smuggling of firearms from the US into the country of Mexico and the possession and distribution of narcotics.
2. Through my past training and experience in these types of investigations, your Affiant has become involved in criminal investigations related to violations of 18 U.S.C. § 922(a)(1)(A), & 924(a)(1)(A), 924(o), 556 & 26 U.S.C. § 5861(d) with defendants residing both in the US and in the country of Mexico.
3. The details and information stated herein are based on my training, experience, personal knowledge and a compilation of facts and events investigated by your Affiant and other agents with Alcohol, Tobacco, Firearms & Explosives (ATF) and Homeland Security Investigation (HSI). Your Affiant has drafted this affidavit to the limited purpose of establishing probable cause for certain violations of law; therefore, your Affiant has not included all of the facts of this investigation.

OFFENSES

Title 18, United States Code, 554 & 371

10/3/2000
JOSE SOTO, SAMUEL CARDENAS, DEREK QUINTANILLA & ALEX BAUTISTA

4. Did knowingly and willfully combine, conspire, confederate and agree with each other and with others known and unknown to receive, conceal, buy, sell, and facilitate the transportation, concealment, and sale of merchandise, articles, and goods, knowing the goods were intended for exportation contrary to the laws and regulations of the United States; in violation of Title 18, United States Code, Section 554.

5/3/2000
Title 18 U.S.C. Section 922(a)(1)(A) & 371

JOSE SOTO, SAMUEL CARDENAS, DEREK QUINTANILLA & ALEX BAUTISTA

5. Did knowingly and willfully combine, conspire, confederate and agree with each other and with others known and unknown to engage in the business of importing, manufacturing, or dealing in firearms without a license, or in the course of such business to ship, transport, or receive any firearm in interstate or foreign commerce.

PROBABLE CAUSE

6. On August 24, 2018, your Affiant received information related to the acquisition of fourteen (14) "AK" style rifles on August 23, 2018 by Brian MORRIS (W/M, DOB [REDACTED] 1963) from Federal Firearms Licensee (FFL) Fehner & Son Grain Co., located in Gonzales, Texas. To note, "AK" style rifles are known as "weapons of choice" for the Mexican cartels. During a query with the ATF National Tracing Center (NTC), it was revealed that MORRIS had purchased ten (10) additional "AK" style rifles from a different FFL in March 2018.

7. In total, it was known that MORRIS acquired twenty-four "AK" style rifles in a five month period. Fifteen of those rifles were the same make/model (RAS47); and seven of the remaining rifles were the same make/model (AKM247). Both the RAS47 and the

AKM247 are highly trafficked crime guns, many of which are often found to be destined for Mexico when purchased in bulk.

8. ATF Industry Operations Investigator (IOI) Jayson Reyes queried the ATF FFL database and determined that MORRIS has never applied for, or received, a federal firearms license to engage in the business of distributing firearms for profit. A query of the National Crime Information Center (NCIC) revealed that MORRIS has no criminal history documented in NCIC. MORRIS' residence of record is listed as [REDACTED], Yoakum, Texas, which is the same address utilized by MORRIS when purchasing the firearms.
9. On August 24, 2018, your Affiant made contact with FFL Fehner & Son Grain Company in Gonzales, Texas as it related to the suspected firearms trafficking activity of MORRIS. Contact with the FFL revealed MORRIS had purchased a total of eighteen (18) firearms from April 2018 to August 2018. Aside from the fourteen (14) "AK" style rifles purchased on August 23, 2018, MORRIS also purchased a Barrett, Model 82A1, .50 caliber BMG rifle and three Ruger AR-15 style rifles. These are also known as "weapons of choice" for the Mexican Cartels.
10. Through an interview of the FFL Fehner & Son Grain Co. by your Affiant, it was learned that MORRIS called to order fourteen (14) "AK" style rifles on August 22, 2018. The FFL quoted MORRIS a price per firearm on that style of rifle that was in stock. MORRIS told the FFL that he knew of another FFL in Houston that could get a better price, and asked the FFL if there were cheaper "AK" style rifles available. Your Affiant knows it is often the case for firearms traffickers to acquire bulk firearms at the cheapest price in order to lower their "overhead" and increase their profit. The FFL advised MORRIS that they would look for other options. The FFL stated that they found that CAI RAS47 rifles were available for \$579 per rifle. MORRIS stated that was close enough to the prices he was receiving from his Houston FFL and asked the FFL to place the order. The FFL required a deposit of half of the total price, which was approximately

\$8500. The FFL stated MORRIS came by the shop and provided a \$4000 cash deposit to place the order.

11. On August 24, 2018, your Affiant, assisted by ATF S/As Moises Maldonado and Bryan Collier, made contact with Brian MORRIS at his residence located at [REDACTED] Yoakum, Texas. MORRIS freely and voluntarily answered questions and made statements. Additionally, MORRIS consented to the search of his property. As a result of the interview, the suspicion that MORRIS was engaged in an unlicensed dealing of firearms trafficking scheme was confirmed.
12. Prior to making contact with MORRIS, your Affiant called MORRIS on his cellular phone [REDACTED] 8347) to notify MORRIS we were approaching his residence. S/A Black observed MORRIS looking at his ringing phone preparing to answer it as MORRIS approached the front gate when agents arrived at MORRIS' residence.
13. During the interview MORRIS admitted to engaging in the business of selling firearms for profit, rotating his inventory, manufacturing rifles and manufacturing fully automatic rifles in his detached garage. Of note, MORRIS did not have in his possession any of the previously identified twenty-four (24) "AK" style rifles. MORRIS stated he sold the ten (10) that were purchased in March 2018 and did not identify where the fourteen (14) "AK" style rifles were from his purchase on August 23, 2018.
14. Additionally, MORRIS identified three (3) Barrett, Model 82A1, .50-caliber rifles he had purchased from two different FFLs. MORRIS identified the FFLs as Zeroed In Armory (two, .50 caliber rifles), which is located in the Houston, Texas area and Past & Blast (one .50 caliber rifle), which is located in Whitesboro, Texas (Dallas area). MORRIS advised your Affiant he paid approximately \$7450 for each Barrett .50-caliber rifle from FFL Zeroed In Armory in April/May 2018. MORRIS advised both of these rifles were sold within 3-4 weeks of acquisition. These sales yielded MORRIS a profit of approximately \$1,500 and \$2,500, respectively. MORRIS stated he purchased a third Barret .50-caliber rifle for approximately \$8,400 from FFL Past and Blast, located

Whitesboro, Texas, which is north of Dallas. MORRIS stated he sold this rifle \$12,000, which yielded MORRIS a profit of approximately \$3,600. MORRIS stated he sold this rifle approximately two months ago.

15. Following the conclusion of the interview of MORRIS by your Affiant and the consent search of MORRIS' residence and property, numerous firearms were seized as were firearms parts and accessories MORRIS intended to use in the business of dealing in firearms without a license. The seizure was based on MORRIS' statements about his past criminal activity and MORRIS' stated intended use of the items seized had law enforcement not contacted MORRIS. In total thirty (30) firearms, five (5) "AR-15" style upper receivers and five (5) DPMS "AR/M16" lower receiver parts kits to include "auto sear pins" were seized along with MORRIS' cellular phone with phone number [REDACTED] 8347.
16. Of note, twelve (12) of the firearms seized were lower receivers "milled out" from unfinished receivers. Two of the twelve lower receivers had been "milled out" to include pinholes for an auto sear, making them fully automatic firearms.
17. On August 27, 2018, your Affiant initiated a query of the National Firearms Registration and Transfer Record (NFRTR) database with regard to any firearm(s) registered Brian MORRIS. On the same day, your Affiant received the results of the query, which showed no record of MORRIS having any firearms registered in his name in the NFRTR database.
18. On August 27, 2018, ATF S/A James Stanek went to Zeroed In Armory (ZIA), a FFL in Pearland, Texas in order to ascertain the totality of MORRIS' acquisitions from the FFL. S/A Stanek received copies of business records kept by ZIA related to the sale of firearms to MORRIS. MORRIS purchased over one hundred seventy firearms from ZIA in an eight month period. In total, MORRIS purchased seventy-six "AK" style rifles; eighty-six "AR" style; six .50-caliber rifles; and three pistols. The invoices for the firearms show approximately \$122,225 (subtotal) spent to acquire the firearms. Of the eighty-six

"AR" style rifles, thirty-six are lower receivers. To note, "AR"/"AK"/"50-CAL" rifles are all known as "weapons of choice" for the Mexican drug cartels. Many of the listed firearms, acquired over a short period of time, were no longer in the possession of MORRIS, and by his own admissions were resold for profit.

19. On August 28, 2018, your Affiant made contact with Past and Blast, a FFL, as it relates to the suspected firearms trafficking activity of Brian MORRIS. As previously documented in this investigation, MORRIS was known to have purchased one .50 caliber rifle from Past and Blast. Contact with the FFL revealed that on July 5, 2018, MORRIS purchased six Smith & Wesson, Model M&P 15, 5.56 caliber rifles, and a Barrett, Model 82A1, .50 Caliber BMG rifle. Based on the interview of MORRIS on August 24, 2018, your Affiant knows MORRIS is no longer in possession of any of these seven firearms and based on MORRIS' own statement the firearms were sold for profit.
20. On August 27, 2018, ATF S/A David Taylor contacted Tactical Firearms, a FFL, regarding the purchase of twenty-two "AR" style lower receivers by Brian MORRIS. According to the FFL, MORRIS came into his business and asked about firearm "transfers" from another FFL. MORRIS said he wanted to have some firearms transferred to the FFL. The FFL stated that this year, MORRIS has placed two separate orders from Arms Unlimited in Las Vegas, Nevada, and that each order was for ten "AR" style lower receivers; totaling twenty lower receivers. Additionally, MORRIS purchased two "AR" style lower receivers from Brownell's and had them transferred through the FFL. Additionally, the FFL advised that MORRIS had purchased a few firearms parts for upper receivers.
21. On August 30, 2018, S/A Stanek went to Primary Arms, a FFL located in Houston, Texas, to determine if MORRIS acquired any firearms from the FFL. S/A Stanek received copies of business records kept by Primary Arms related to the sale of firearms to MORRIS. A review of multiple Firearms Transaction Records revealed that MORRIS purchased sixteen Anderson Manufacturing, model AM-15, multi caliber ("AR" style)

lower receivers from the FFL between March 14, 2018 and June 25, 2018. MORRIS paid approximately \$1,900 for the firearms.

22. On August 30, 2018, S/A Taylor obtained a Federal Search Warrant for MORRIS' cellular phone. The warrant was executed on August 30, 2018, by your Affiant at the San Antonio III Field Office, San Antonio, Texas. Your Affiant conducted analysis of the cellular phone extraction on MORRIS' cellular phone with number [REDACTED]-8347.
23. A review of text communication MORRIS had from July 4, 2018 through August 24, 2018, identified one primary phone number MORRIS frequently had contact with and in which firearms were discussed. This phone number was identified as [REDACTED]-3287. Through analysis of the phone number [REDACTED]-3287 (stored as "SAN ANTO"), ATF IRS Jeffrey Kennedy was able to link Derek QUINTANILLA to the listed number. Database queries conducted by HSI SA Alfredo Martinez for telephone number [REDACTED]-3287, revealed this telephone number is associated with Derek M. QUINTANILLA, Date of Birth (DOB: [REDACTED]-1988), Social Security Number ***-**-5866, Texas Driver's License Number [REDACTED]-6319, Listed Address of [REDACTED], San Antonio, TX 78213.
24. In the text communication MORRIS is seen discussing the acquisition of numerous firearms with the QUINTANILLA, utilizing phone number [REDACTED]-3287; and in turn QUINTANILLA informing MORRIS they would need to pick up the "paperwork". Your Affiant is familiar with the term "paperwork" to mean money, specifically cash.
25. Further analysis by your Affiant of text communication revealed that on July 4, 2018, QUINTANILLA sent MORRIS a website link to Gun Broker (www.gunbroker.com/item/778467695), an online website to buy and sell firearms. On this same date, MORRIS received a text message from phone number [REDACTED]-2035 stating they were the ones that had the Barrett at their shop in Whitesboro north of Dallas and would sell it to MORRIS for the open bid price of \$7,249.95. Your Affiant know

MORRIS acquired a .50-caliber rifle from a FFL, Past and Blast, in Whitesboro, Texas on July 5, 2018.

26. Specific text communication of interest took place on August 21, 2018 in which QUINTANILLA informed MORRIS "Boss just hit me up needs 15 aks". MORRIS replied back on August 22, 2018, asking "which 10". QUINTANILLA tells MORRIS, "Well we can meet up and I can get at least the 10 just let me get paperwork at the house". On August 22, 2018, MORRIS sent a message to QUINTANILLA stating "K, well I'm confident but won't be able to find out anything till noon anyway. I'll get these others boxed up so he can get theses". QUINTANILLA responded stating, "Just see if you can get the 15 first for sure then boss will give me paper work for them then".
27. Your Affiant knows through the investigation that MORRIS placed an order for fourteen (14) RAS47 "AK" style rifles on August 22, 2018, through Fehner & Son Grain Co. and took possession of those rifles on August 23, 2018. These are the same fourteen "AK" style rifles that were unaccounted for during the interview of MORRIS on August 24, 2018.
28. On September 10, 2018, ATF Supervisory Special Agent (SSA) David Robison conducted a brief surveillance in the area of Derek QUINTANILLA'S residence of record located at 254 Dawnview, San Antonio, Texas. QUINTANILLA, H/M, DOB [REDACTED] 1988, has been identified as an associate of MORRIS, and is suspected to be involved in a firearms trafficking conspiracy. QUINTANILLA is linked to the cellular phone number [REDACTED] 3287. Two vehicles of note were observed parked in front of the QUINTANILLA residence. A white Toyota Tundra, with Texas License Plate (LP) KLS6699; and a red Dodge Ram, with Texas LP FYT4364. A query of the LPs revealed the following: the 2012 Toyota Tundra was registered to Derek QUINTANILLA at the listed residence of [REDACTED] San Antonio, TX; and the 1997 Dodge Ram is registered to Alex BAUTISTA with an address of [REDACTED] San Antonio, Texas.

29. A query with the NCIC revealed that QUINTANILLA has no known criminal history. A query of the ATF NTC revealed QUINTANILLA acquired eight similar make/model 9mm pistols during the course of four multiple sales from Nagel's Gun Shop and Adelbridge, two FFLs in San Antonio, TX. These purchases took place between December 2017 and January 2018. Of note, these pistols are the similar make/model to two firearms purchased by MORRIS in December 2017 and MORRIS purchased multiple firearms at the same FFLs as QUINTANILLA.

30. A query of ATF NTC revealed BAUTISTA acquired several firearms as part of suspicious multiple sale transactions from gun stores in San Antonio, Texas. In July 2018, BAUTISTA acquired two Ruger, model AR-556, 5.56mm rifles from Academy Sports & Outdoors, Store # 47, located in San Antonio, Texas in July 2018. Between November and December 2017, BAUTISTA had acquired four similar make/model 9mm pistols during the course of two multiple sales. As previously documented, it is known that both MORRIS and QUINTANILLA purchased several of the same (make/model) Pietro Beretta 9mm pistols during the same time frame from FFLs in the San Antonio area. A query of the ATF FFL database confirmed that QUINTANILLA and BAUTISTA have never applied for, nor received, a federal firearms license to engage in the business of distributing firearms for profit.

31. On October 1, 2018, your Affiant learned of a firearm that was recovered in relation to a crime in Miguel Aleman, Tamaulipas, Mexico on or about July 30, 2018; a firearm that is linked to this investigation. The firearm recovered in Mexico was identified as a Colt, model M4LE, 5.56mm rifle with a serial number of LE532479. Your Affiant knows MORRIS acquired this firearm on January 6, 2018, from an Academy Sports & Outdoors Store in Victoria, Texas; or approximately seven months prior to it being recovered in Mexico. MORRIS' firearm was recovered as part of a seventeen gun seizure by Mexican Law Enforcement. The other firearms seized were a combination of pistols, "AR" style rifles, and "AK" style rifles.

32. On Thursday, October 4, 2018, your Affiant conducted surveillance in the area of Jose SOTO's residence of record located at [REDACTED], San Antonio, Texas. SOTO, H/M, DOB [REDACTED] 1982, had previously been identified through numerous phone contacts with MORRIS. Upon arrival in the area of SOTO'S residence, your Affiant observed a black GMC Yukon Denali XL bearing Texas LP GPL7295 parked in the driveway of the residence. A query of the LP revealed that the 2016 GMC is registered to SOTO at the [REDACTED]

33. On October 11, 2018, your Affiant reviewed information provided by the ATF NTC as it relates to Jose SOTO. A review of the ATF NTC revealed that the following firearms were previously acquired from Federal Firearms Licensees (FFLs) by SOTO:

34. On October 10, 2008, SOTO purchased a CMMG, model MOD4 SA, .223-caliber ("AR" style) rifle from Northside Pawn Shop, a FFL located in Phenix City, Alabama. To note, it is believed that SOTO was residing in Columbus, Georgia at that time while enlisted in the military. On December 11, 2015, the listed "AR" style rifle originally purchased by SOTO in Alabama was recovered in Reynosa, Tamaulipas, Mexico in relation to a crime.

35. On May 15, 2014, SOTO purchased twenty (20) Spike's Tactical, model ST-15, .223-caliber ("AR" style) rifles from Hill Country Black Rifles, an FFL located in Converse, Texas. To note, these are known as "weapons of choice" for the Mexican Cartels.

36. Your Affiant learned SOTO was born in Laredo, Texas, and served in the U.S. Military. SOTO is currently known to reside in San Antonio, Texas. A review of available border crossing information by HSI S/A Martinez revealed multiple crossings into Mexico by SOTO through the Laredo Ports of Entry (POEs). A review of historical toll records related to phones believed to be used by MORRIS, SOTO, and Derek QUINTANILLA have revealed numerous contacts between them all throughout the time period of the suspected conspiracy. SOTO, BAUTISTA and QUINTANILLA are also connected on Facebook. Further analysis of SOTO's Facebook page reveals most of SOTO'S social

media circle revolving around military personnel, Facebook profiles linked to Laredo, Texas or Nuevo Laredo, Mexico.

37. On October 12, 2018, your Affiant conducted a review of analysis on MORRIS' cellular phone tolls. Previously Homeland Security Investigations (HSI) S/A Alfredo Martinez had submitted an administrative subpoena for subscriber and toll information related to MORRIS' cellular phone number of [REDACTED]-8347. The time frame requested on the subpoena was for December 1, 2017 through August 24, 2018, which is the time frame agents have identified when the majority of MORRIS' unlicensed dealing/straw purchasing of firearms activity had occurred. Through analysis of MORRIS' tolls, IRS Kennedy compiled a call frequency report for MORRIS' cellular phone, which shows a list of most commonly contacted phone numbers by MORRIS.
38. A review of MORRIS' hot number list revealed MORRIS has had contact with both Derek QUINTANILLA [REDACTED] 3287) and Jose Joaquin SOTO [REDACTED] 4328) on numerous occasions during the above mentioned time frame. It was learned that QUINTANILLA was MORRIS' most contacted phone number with a total of 2,288 contacts comprised of text messages and/or phone calls between December 1, 2017 and August 24, 2018. MORRIS and SOTO had contact via text message and/or phone calls 104 times between April 18, 2018 and May 4, 2018. This time frame is of note, because your Affiant knows MORRIS purchased thirty-one "AK" style rifles on April 25, 2018.
39. HSI crossing history queries revealed, on April 26, 2018, SOTO's GMC Yukon XL, displaying TX LP GPL7295 crossed outbound into Mexico at 7:45 p.m. CST at the Lincoln/Juarez POE, Laredo, TX
40. HSI crossing history queries revealed, on May 2, 2018, SOTO's GMC Yukon XL, displaying TX LP GPL7295 made entry into the U.S. at 10:45 a.m. CST at the Lincoln/Juarez POE, Laredo, TX. SOTO was identified as the driver and was accompanied by his wife, [REDACTED] and two juvenile children.

41. On October 16, 2018, your Affiant along with ATF Special Agent David Taylor and HSI S/A Alfredo Martinez, supported by others, executed a federal search warrant at Brian MORRIS' residence located at [REDACTED] Yoakum, Texas. As a result, a consensual interview with MORRIS took place, and items of evidentiary value were seized from the residence. MORRIS admitted to his role in a "guns to cartel" firearms trafficking scheme.

42. During the interview with your Affiant and others, MORRIS freely and voluntarily agreed to provide further details as to his role in the firearms trafficking conspiracy. To note, before any information was provided by MORRIS, he was advised of his Miranda rights. Ultimately, MORRIS acknowledged that he had indeed acquired over 225 firearms on behalf of individuals MORRIS identified as QUINTANILLA, BAUTISTA and SOTO. MORRIS further stated he believed the firearms acquired for this group to have been smuggled to an unidentified cartel in Mexico.

43. Your Affiant asked MORRIS to summarize his role, and the relationships with others as part of the firearms trafficking scheme. MORRIS stated that he first met "Alex", (later identified as Alex BAUTISTA), several years ago pursuant to an on-line posting of an "AR" style firearm that MORRIS listed for sale. BAUTISTA responded to the ad, and ultimately purchased the firearm. That action led to further sales of firearms acquired by MORRIS to BAUTISTA, who introduced MORRIS to the "boss", later identified as Jose Joaquin SOTO. MORRIS described SOTO as a heavy set Hispanic male with a beard; a former "Marine"; as being from Laredo, and living in San Antonio; and known to drive a black "Escalade". MORRIS was also introduced to "QUINTANILLA", a.k.a. "Derek", a.k.a. "San Anto", later identified as Derek QUINTANILLA, through his relationship with BAUTISTA and SOTO.

44. MORRIS indicated that BAUTISTA and QUINTANILLA were friends, but that they both worked for SOTO in furtherance of acquiring bulk quantities of firearms. MORRIS stated that QUINTANILLA was the more trusted or valued person to SOTO and that

QUINTANILLA acted as the right hand man for SOTO. MORRIS confirmed that the agreement to acquire specific firearms that were to be smuggled to Mexico was known by all four listed individuals. MORRIS stated that the activity took off around December of 2017. To note, QUINTANILLA, BAUTISA, and MORRIS all purchased several of the similar make/model Beretta pistols, via multiple sale between the period of 11/30/2017 – 01/24/2018; in total fourteen Beretta 9mm pistols were “straw” purchased by the three, which according to MORRIS, was pursuant to a specific order made by SOTO’S “customer” in Mexico.

45. MORRIS confirmed that the firearms that he acquired between December 2017 and August 2018 were all purchased for SOTO, using money provided by SOTO, and through coordination with SOTO, QUINTANILLA, and BAUTISTA. Your Affiant showed MORRIS a photo lineup that included a picture of BAUTISTA. MORRIS positively identified BAUTISTA as “Alex”. Your Affiant showed MORRIS a photo lineup that included a picture of QUINTANILLA. MORRIS positively identified “Derek Quintanilla”, a.k.a. “San Anto”, was in fact QUINTANILLA. Your Affiant showed MORRIS a photo lineup that included a picture of SOTO. MORRIS positively identified SOTO as “the boss”.

46. MORRIS was asked about any other individuals involved in the scheme. MORRIS stated that there was another Hispanic male that was from “Cali” (California) that was an associate of SOTO. MORRIS stated that on one occasion “Cali” brought MORRIS bulk currency with which to purchase firearms for SOTO. MORRIS described “Cali” as a light skinned male of Mexican descent, with dark hair, and believed to be in his early 30’s. MORRIS stated that “Cali” was known to drive a black (box type) Scion SUV. MORRIS stated that most often he knew “Cali” to be with SOTO. MORRIS believed that “Cali” was also acquiring firearms for SOTO as well. MORRIS stated that he did not know any other individuals that were acquiring firearms for SOTO, but did recall QUINTANILLA previously stating MORRIS was just one guy. MORRIS took that to mean there were others purchasing firearms for SOTO.

47. MORRIS stated that he most often dealt with QUINTANILLA, directly. Typically, it was QUINTANILLA that placed the order for the types and quantities of firearms to be acquired by MORRIS; and it was QUINTANILLA that would deliver the bulk currency (bundles of a thousand dollars) that was used to purchase the firearms on SOTO'S behalf. However, during one specific time period, QUINTANILLA was away, and MORRIS coordinated directly with SOTO to receive the money, acquire the firearms, and in turn deliver the firearms to SOTO. This time period was identified as between April 18, 2018 and May 4, 2018.

48. In regards to the bulk currency, MORRIS advised agents he attempted to have SOTO and QUINTANILLA deposit money into MORRIS' bank account. MORRIS stated it would have been easier for him and he would not have had to make so many trips back and forth to San Antonio, Texas. MORRIS stated SOTO and QUINTANILLA never wanted to do this. MORRIS believed SOTO and QUINTANILLA were trying to avoid a paper trail and potential tracking.

49. Based on phone records analysis by your Affiant and others, the investigation has identified a time period between mid-April and early May of 2018 during which MORRIS and SOTO had steady contact. The details of this contact is related to the purchase of thirty-one "AK" style rifles on April 25, 2018. MORRIS confirmed that the one hundred plus contacts between MORRIS and SOTO was directly related to the request to purchase, receipt of money, acquisition of firearms, and delivery of the firearms to SOTO.

50. Based on information previously derived from MORRIS phone, it was known that leading up to MORRIS' last purchase (fourteen RAS47s on August 23, 2018) QUINTANILLA requested MORRIS to obtain fifteen "AKs" for the "boss", SOTO. Ultimately, MORRIS confirmed that he purchased fourteen (14) "AK" style rifles on August 23, 2018, and delivered them to QUINTANILLA in San Antonio (at "Nponers") on August 24, 2018; prior to agents making contact with MORRIS later that same day in Yoakum, TX. MORRIS stated QUINTANILLA told him that the "boss" was in Mexico

during that time; but that the rifles were delivered to SOTO'S residence by QUINTANILLA, after QUINTANILLA received them from MORRIS.

- a. HSI crossing history queries revealed, on August 23, 2018, SOTO crossed southbound into Mexico driving his GMC Yukon XL, displaying TX LP GPL7295 at 1:01 a.m. CST at the Lincoln/Juarez POE, Laredo, TX
- b. HSI crossing history queries revealed, on August 25, 2018, SOTO crossed inbound into the U.S., driving his GMC Yukon XL, displaying TX LP GPL7295 at 9:09 p.m. CST at the Lincoln/Juarez POE, Laredo, TX; accompanied by 8 other passengers

51. When asked, MORRIS confirmed that he had acquired at least eight (8) Barrett .50-caliber rifles; at least eighty-five (85) "AR" style rifles; at least seventy-five (75) "AK" style rifles; and "built out" approximately forty (40) "AR" style rifles from lower receivers, to include at least fifteen (15) machineguns, for the group (SOTO, QUINTANILLA, and BAUTISTA). MORRIS believed, through conversation, that SOTO had taken all of the listed firearms to Mexico, through Laredo. MORRIS believed, through conversations with QUINTANILLA, that SOTO was providing the firearms to a cartel.

52. MORRIS confirmed that he had built out "ghost guns" ("80%ers"), to include machineguns that were then sold to SOTO, et al. MORRIS stated that after supplying approximately fifteen machineguns (illegally manufactured by MORRIS), he was advised that SOTO'S "clients" no longer wanted the non-descript firearms, but instead wanted firearms with manufacturer's marking/logos, etc. MORRIS stated that he would have preferred to continue to provide the "ghost guns" since they were untraceable.

53. When asked, MORRIS stated that he was concerned about the chance that firearms that he had purchased from FFLs would lead back to him. MORRIS stated that SOTO/QUINTANILLA assured him that the serial numbers on the firearms were removed (obliterated), thereby making them untraceable, before being delivered to the

intended recipient in Mexico. This was some relief/assurance for MORRIS as it relates to staying out of trouble.

54. After completing the bulk of the interview, your Affiant, other agents and MORRIS exited the main dwelling and went into the shop/garage area on the property. MORRIS showed the agents items that he used to illegally manufacture machineguns as part of the firearms trafficking scheme. MORRIS surrendered (abandoned) those items to your Affiant. Those items, described as fifteen "jigs", were processed as evidence, and stored in the ATF evidence vault.
55. On October 16, 2018, HSI S/A Alfredo Martinez conducted database queries for SOTO and discovered SOTO was linked to an HSI Laredo Investigation that was targeting an alien smuggler identified as Noe HERNANDEZ, (DOB: [REDACTED] 1983). HSI Laredo received information on or about March 30, 2017 from a source of information (SOI) indicating HERNANDEZ is an alien smuggler working for members of the Cartel Del Noreste (CDN) in Nuevo Laredo, Tamaulipas, Mexico. SOI informed HSI Laredo, HERNANDEZ is involved in alien smuggling, transporting illegal aliens from Laredo, TX to San Antonio, TX. This SOI informed HSI Laredo HERNANDEZ was also involved in smuggling firearms into Nuevo Laredo, Tamaulipas, Mexico from Laredo, TX. SOI informed HSI Laredo, HERNANDEZ smuggles firearms with an individual identified as "SOTO", whom is a former Marine and resides in San Antonio, TX. SOI told HSI Laredo, SOTO is responsible for modifying the firearms and travels to Mexico to test fire the weapons before SOTO and HERNANDEZ receive full payments from members of the CDN. During the course of HSI Laredo's investigation into HERNANDEZ, an ATF Laredo undercover agent was introduced to HERNANDEZ and this ATF UC agent was able to purchase one AR-15 style rifle from HERNANDEZ in Laredo, TX on May 12, 2017.
56. HSI database queries for international travel, revealed Noe HERNANDEZ has crossings from Mexico into the U.S. via Laredo, TX, with Jose Joaquin SOTO, DOB: [REDACTED] 1982. HSI Laredo identified SOTO's address from vehicle registrations as [REDACTED]

San Antonio, TX. Crossing history queries conducted for SOTO revealed he has crossings into the U.S. from Mexico via Laredo, TX with Samuel CARDENAS, (DOB: [REDACTED] 1992).

57. On October 22, 2018, this investigation linked Samuel CARDENAS, a.k.a. "Cali", as a suspected co-conspirator with Jose SOTO and others as it relates to a firearms trafficking conspiracy. Your Affiant, along with HSI S/A Martinez, reviewed information, to include phone tolls, uncovered in this investigation related to Samuel CARDENAS, H/M, DOB [REDACTED] 1992. Multiple telephone numbers associated with CARDENAS have been linked to SOTO. The numbers are identified as: [REDACTED]-7895; and [REDACTED]-9847. Between the period of 12/25/2017 and 10/01/2018, there were a total of 1,114 contacts between the "7895" number and SOTO'S phone number, [REDACTED]-4328. Between the period of 09/27/18 and 10/05/2018, there were a total of 19 contacts between the "9847" number and SOTO. A query of the NCIC revealed no known criminal history for CARDENAS. CARDENAS' Texas Driver's License lists his residence of record as [REDACTED] [REDACTED] San Antonio, Texas.

58. As part of another investigation, CARDENAS was identified as having acquired a Glock pistol, via private sale, that was recovered in Mexico approximately thirty days after it was purchased by CARDENAS in San Antonio. The Glock pistol was recovered with at least twenty-two (22) other firearms; to include multiple Anderson Manufacturing, model AM-15 rifles with obliterated serial numbers.

59. A query with the ATF National Tracing Center (NTC) revealed one multiple sale purchase of the same (make/model) "AR" style rifle by CARDENAS in 2014. On October 26, 2014, CARDENAS purchased two Del-Ton, model DT Sport, 5.56mm rifles from J&B Gun Sales & Service, a Federal Firearms Licensee (FFL) located in Fulton, Texas; this was a Robstown Gun Show purchase. CARDENAS listed his address as [REDACTED] San Antonio, Texas at the time of purchase. Also, to note, CARDENAS listed his place of birth as Paramount, California.

60. CARDENAS is known to have traveled back and forth between Texas and Mexico through the Laredo, Texas POE on multiple occasions in 2018. Furthermore, CARDENAS has been known, on at least one occasion, to return from Mexico in SOTO'S GMC Sierra.

61. MORRIS provided a physical description for "Cali", which matches the physical description of CARDENAS. MORRIS provided a vehicle known to be driven by "Cali"; described as a Scion SUV. Database records revealed CARDENAS has a Toyota Scion XD (SUV) with a Texas LP DPR8225. A query of the LP revealed that the 2013 Scion is registered to CARDENAS, along with [REDACTED] (spouse/girlfriend), at [REDACTED], [REDACTED], San Antonio, Texas.

62. On October 23, 2018, your Affiant conducted surveillance in the area of Jose SOTO's residence of record located at [REDACTED], San Antonio, Texas. At the onset of the surveillance two vehicles were observed parked at the residence. One vehicle was parked in front of the residence, on the road, along the curb; and one vehicle was parked in the driveway of the residence. These vehicles have been previously identified as follows: parked in front of the residence, a brown GMC Sierra, with Texas LP 4DVJPT; and parked in the driveway of the residence, a black Jaguar sedan, with Texas LP KZD8731.

63. A short time later, your Affiant observed a silver Pontiac sedan parked along the side of SOTO'S residence. No one was seen exiting the vehicle. Sometime later, S/A Black observed CARDENAS exit the driver's compartment of the vehicle, walk through SOTO'S front yard, and approach the front door of the residence.

64. HSI S/A Martinez was able to identify the Texas LP displayed on the Pontiac as LCG2084. A query of the LP revealed the registered owner to be [REDACTED], H/F, DOB [REDACTED] 1992; the wife/girlfriend of CARDENAS. A short time later, your Affiant observed SOTO and CARDENAS walking from the front of SOTO's residence toward the GMC pickup truck. SOTO was carrying bags that were loaded into the GMC pickup.

65. On October 31, 2018, your Affiant, along with HSI S/A Martinez, reviewed information provided by CDNN Sports, Inc., via subpoena, related to items purchased by Jose SOTO; particularly as it pertains to bulk "AR" and "AK" style rifle ammunition magazines. Based on the invoices, SOTO acquired over 13,000 "AR" and "AK" style ammunition magazines from the company. SOTO spent approximately \$130,000.00 acquiring firearms parts and accessories that are related to firearms known as "weapons of choice" for the cartels.

66. The items, believed to have been acquired in furtherance of a "guns to cartel" firearms trafficking scheme, were shipped to SOTO'S residence of record located at [REDACTED] [REDACTED] San Antonio, Texas. In addition to the ammunition magazines, SOTO also acquired other bulk firearms parts and accessories that are used to "build out" "AR" style rifles.

67. In total, SOTO purchased 7,100 "AR" style ammunition magazines; 6,016 "AK" style ammunition magazines; and 60 "AR" style parts kits. The combined subtotal derived from the invoices for the above listed items is \$129,716. In addition to the listed total spent at CDNN Sports, this investigation has identified another, approximately \$150,000 spent acquiring over 225 "AR" and "AK" style rifles, along with .50-caliber rifles, that are believed to have been smuggled through Laredo, Texas into Mexico to arm a cartel.

68. On November 13, 2018, HSI S/A Martinez, assisted by others, followed SOTO, from his residence in San Antonio, Texas to a "stash" house identified as [REDACTED] in Laredo, Texas. To note, S/A Martinez had received information that SOTO had ordered 500 "AR" style ammunition magazines and 500 "AK" style ammunition magazines. Prior to leaving his residence, SOTO loaded several boxes into his black GMC Yukon XL, now displaying new Texas License Plates 46897DV. Upon arriving in Laredo, SOTO drove to the stash house at [REDACTED] Laredo, TX and unlocked the gates to this location and unloaded several boxes from his vehicle and took them into the "stash" house, identified as [REDACTED] Laredo, TX. The aforementioned "stash" house located at [REDACTED] was identified via the Webb County Appraisal District as belonging to

SOTO. Agents conducting surveillance observed SOTO and occupants depart the [REDACTED] [REDACTED] Laredo, TX location in the black GMC Yukon XL. (HSI Laredo Agents stayed at [REDACTED] Laredo, TX and maintained visual until November 15, 2018)

69. International crossing history queries were conducted for SOTO's GMC Yukon Displaying TX LP 46897DV. Crossing history revealed:

- a. TX LP 46897DV crossed outbound into Mexico on 11/13/2018 at 8:45 p.m. CST at the Laredo Lincoln Juarez POE
- b. TX LP 46897DV crossed inbound into the U.S. from Mexico on 11/13/2018 at 10:06 p.m. CST at the Laredo International Bridge 1 Convent. Database queries revealed SOTO was accompanied by his wife [REDACTED] and two juvenile children.
- c. TX LP 46897DV was then encountered at the U.S. Border Patrol C29 Checkpoint Station located north of Laredo at 11:40 p.m. CST.

70. Agents conducting surveillance of stash house, [REDACTED] Laredo, TX, observed a secondary vehicle, (later identified as a red in color Ford Escape displaying Mexican License Plates 716-TPF-8), being loaded with items, and depart the stash house location. Agents continued surveillance on the Ford Escape and observed the vehicle drive near the downtown Laredo, TX area and park at the intersection of Davis St. and Hidalgo St. in Laredo, TX. The driver parked the Ford Escape and departed from the vehicle, leaving the Ford Escape unattended near the aforementioned intersection which is located near the Lincoln/Juarez POE located along the U.S. and Mexico border. During the surveillance of the unattended Ford Escape, three Hispanic males were observed running from the vehicle carrying items. Laredo Police responded and detained the three males who had just broken into the Ford Escape and had forced entry into a nearby residence. During a consensual search of this residence, Laredo Police discovered five (5) rifles which were seized. Laredo Police and HSI special agents returned to the Ford Escape and observed a rear window had been broken. Through the broken window, Laredo PD and HSI agents observed loose ammunition in boxes located in the rear area of the Ford Escape. The vehicle was towed to the Laredo Police Department and the items inside the

Ford Escape to include the loose ammunition, twenty five (25) handguns, seventy five (75) magazines of various calibers, four (4) ballistic vests, and fifteen (15) hard shell helmets were seized.

71. Crossing history for Mexican license plate 716-TPF-8, revealed only outbound crossings, no inbound crossings for this MX LPs. Photographs taken during these outbound crossings reveal the MX license plate is displayed on different vehicles.
72. On November 14, 2018, at approximately 12:19 p.m., your Affiant, assisted by other ATF and HSI Special Agents, followed SOTO from his residence, [REDACTED] San Antonio, TX. SOTO arrived at a San Antonio area Academy Sports & Outdoors (ASO) location at approximately 1:37 p.m. SOTO was observed driving his black GMC Yukon XL displaying TX LP 46897DV. At ASO, SOTO purchased (5,400) five thousand four hundred rounds of .223-caliber ("AR" style) ammunition; and (2,080) two thousand and eighty rounds of 7.62-caliber ("AK" style) ammunition. SOTO spent almost \$2,700 in cash to acquire this ammunition. Surveillance was conducted on SOTO during and after these purchases however agents lost visual of SOTO after he visited a residence in the Terra Bella Subdivision in San Antonio, identified as [REDACTED] San Antonio, TX. Visual of SOTO was lost on November 14, 2018, at approximately 3:15 p.m.
73. On this date, November 14, 2018, after visual of SOTO was lost, HSI San Antonio entered TX LP 46897DV in the license plate reader system in an attempt to have SOTO's GMC Yukon XL surveilled if encountered on any of the license plate reader cameras located along TX Highways. On November 14, 2018, at approximately 5:43 p.m., license plate readers alerted law enforcement of TX DL 46897DV traveling southbound on I-35 just south of mile marker C29. An attempt to locate SOTO's GMC Yukon was made however SOTO was never located.
 - a. SOTO's GMC Yukon, TX LP 46897DV was encountered at the U.S. Border Patrol Checkpoint Station located north of Laredo on I-35 on November 14, 2018 at approximately 11:40 p.m. CST traveling north.

74. In the early morning hours of November 15, 2018, agents with HSI San Antonio and HSI Laredo executed a federal search warrant on [REDACTED] Laredo, TX. As a result of the search warrant thirteen (13) firearms, thousands of rounds of .223/7.62 caliber ammunition, five (5) "AR" style upper receivers, fifty (50) ballistic plates, sixty-five (65) rifle magazines, a 40mm grenade launcher, a large quantity of firearms parts and accessories for mostly "AR" style rifles and nine (9) sealed boxes of "AR/AK" style magazines were seized. The nine sealed boxes of "AR/AK" style magazines were confirmed as the nine boxes received by SOTO at his residence of 6139 Diego Lane in San Antonio, TX on November 13, 2018 and the same nine boxes agents with HSI San Antonio followed to [REDACTED].

75. As a result of the two seizures in Laredo, ATF initiated the firearms trace on the firearms in an attempt to identify other co-conspirators. As a result, two of the firearms were traced back to [REDACTED] who resides in San Antonio, TX. [REDACTED] was identified as having purchased two pistols on December 7, 2015, at a Gander Mountain store located in San Antonio, TX. The firearms are described as follows:

- a. Ruger, Model SR9C, 9mm pistol, SN: 336-09904
- b. S&W, Model SD9VE, 9mm pistol, SN: FWY1080

76. Through a subsequent interview of Lacelle on November 19, 2018 by ATF San Antonio agents, it was learned Lacelle had given the guns to [REDACTED] to sell at the monthly SAXET Gun Show on [REDACTED]'s behalf.

77. On November 20, 2018 your Affiant and ATF S/A Bryan Collier conducted an interview of [REDACTED] at the ATF San Antonio Field Office. [REDACTED] stated he sold the two firearms he received from [REDACTED] at the SAXET gun show located at 8111 Meadow Leaf, San Antonio, Texas 78227 on November 3, 2018 to two Hispanic males who came to the table he had set up at the SAXET gun show.

78. One individual engaged Statz in conversation about the Smith & Wesson SD9VE. [REDACTED] stated that the firearm was on consignment for a friend [REDACTED] and that the friend wanted three hundred and twenty dollars (\$320.00) for the firearm. The individual agreed and Statz then filled details of the transaction on a bill of sale. The buyer's information was listed as Samuel CARDENAS Jr. DOB [REDACTED] 1992, Texas Driver's License (TXDL) [REDACTED] 4898, with an address listed of [REDACTED] San Antonio, TX. A Texas License to carry (LTC) number was listed for CARDENAS as [REDACTED] 2033. [REDACTED] advised that he wrote the aforementioned information on the paper based off the TXDL and LTC provided by CARDENAS.

79. Once the sale was completed the other individual who accompanied CARDENAS inquired about the previously mentioned Ruger SR9C pistol. Again, [REDACTED] stated that the firearm was on consignment for a friend [REDACTED] and that the friend wanted four hundred and fifty dollars (\$450.00) for the firearm. The individual agreed and [REDACTED] filled out on a piece of paper the details of the transaction on a bill of sale. The buyer's information was listed as Jose Joaquin SOTO Jr. DOB [REDACTED] 1982, TXDL 07658212, with an address listed as [REDACTED] San Antonio, TX. A Texas LTC number for SOTO was listed as [REDACTED] 5722. Statz advised that he wrote the aforementioned information on the paper based off the TXDL and LTC provided by SOTO.

80. [REDACTED] was able to provide your Affiant with pictures (from his cellular phone) of both SOTO's and CARDENAS' TX DL and LTC from the transaction. Additionally, [REDACTED] provided your Affiant with the bill of sale he completed for the transaction. [REDACTED] added that both SOTO and CARDENAS told him that they were childhood friends and that both had served in the military.

81. [REDACTED] was shown a six-pack photo lineup of CARDENAS and SOTO by SA Collier and was able to immediately identify both subjects.

82. HSI crossing history queries conducted for CARDENAS, revealed on November 4, 2018, CARDENAS made entry on foot back into the U.S. from MX at the Laredo International

Bridge 1 Convent at 12:40 a.m. CST. HSI crossing history queries conducted for SOTO, revealed on November 4, 2018, SOTO made entry on foot back into the U.S. from MX at the Laredo International Bridge 1 Convent at 12:39 a.m. CST.

83. HSI SA Alfredo Martinez conducted crossing history for SOTO and discovered SOTO has approximately 106 international crossings from Mexico into the U.S., through Laredo, TX POEs, within the last 18 months utilizing different vehicles.
84. Crossing history for SOTO's GMC Yukon XL displaying TX LP GPL7295, revealed 23 international crossings from Mexico into the U.S. in the last 18 months, through POEs located in Laredo, TX. This GMC Yukon XL displaying TX LP GPL 7295 has been encountered at the U.S. Border Patrol C29 Checkpoint Station (BP C29), located north of Laredo, approximately 56 times. SOTO's GMC Yukon XL displaying new TX LP 46897DV has one international crossing at Laredo, TX but has been encountered at the BP C29 checkpoint station 5 times.
85. Crossing history for SOTO's GMC Sierra, displaying TX LP 4DVJPT, revealed 25 international crossings from Mexico into the U.S., through POEs located in Laredo, TX. This GMC Sierra TX LP 4DVJPT was encountered at the BP C29 Checkpoint Station, located north of Laredo, TX, approximately 142 times. [REDACTED]
[REDACTED] is associated to SOTO's GMC Sierra on one international crossing. Samuel CARDENAS, DOB: [REDACTED] 1992 is associated to SOTO's GMC Sierra on two crossings.
86. SOTO has 41 crossings in a black Nissan sedan displaying TX LP KLD7068 through Laredo POEs. This vehicle is registered to a Jacqueline CUEVAS. [REDACTED]
[REDACTED], is associated with this vehicles on approximately 23 crossings as well. Samuel CARDENAS, DOB: [REDACTED] 992 is associated to two crossings with this vehicle.
87. SOTO has one crossing in a white Chevrolet Impala, displaying TX LP JVC7987 through the Lincoln/Juarez Laredo, TX POE. [REDACTED] is

associated to this vehicle 9 times. Database queries reveal this Chevrolet Impala, TX LP JVC7987 is registered to [REDACTED]

88. SOTO has one crossing in Laredo, TX, in a white Nissan sedan, displaying Mexican License Plate, 367TRD1 on October 26, 2018.

89. SOTO has one crossing in Laredo, TX in a black Chevrolet pickup truck displaying TX LP KZD7974 on October 13, 2018. [REDACTED] is associated to this Chevrolet truck on at least 12 other international crossings. TX LP KZD7974 is registered to [REDACTED]

90. SOTO has three crossings in Laredo, TX, in a red Pontiac sedan displaying TX LP HJN7587. This vehicle is registered to [REDACTED]

91. SOTO has 16 crossings in Laredo, TX, in a gray Ford truck, displaying TX LP BG12342. [REDACTED] is associated to this Ford truck on approximately 131 crossings. This Ford truck displaying TX LP BG12342 is registered to [REDACTED] [REDACTED] This Ford displaying TX LP BG12342 was associated with HSI Laredo's investigation of [REDACTED]. Samuel CARDENAS is associated to this Ford truck displaying TX LP BG12342 on two crossings.

92. SOTO has one crossing in Laredo, TX on August 1, 2018, in his 2010 Jaguar displaying TX LP KZD8731. SOTO was accompanied by his wife, [REDACTED], [REDACTED] during this crossing. This Jaguar, displaying TX LP KZD8731 has three encounters at the BP C29 checkpoint station. This Jaguar is registered to Jose Joaquin SOTO.

93. Also on November 20, 2018, your Affiant reviewed the Firearms Technology Criminal Branch (FTCB) Report of Technical Examination related to two M16 type firearm lower receivers, which were seized from MORRIS' residence on August 24, 2018. Based on the examination by Firearms Enforcement Officer (FEO) Eve E. Eisenbise, FEO

Eisenbise determined that items #31 & #42 were firearms and more specifically machineguns based on the legal definition and are therefore regulated by the National Firearms Act (NFA). Your Affiant is aware that MORRIS does not currently possess nor has MORRIS ever possessed a NFA registration.

94. On November 26, 2018, your Affiant learned of a firearm that was recovered in relation to a crime in Ciudad Mier, Tamaulipas, Mexico on or about November 16, 2018; a firearm that is linked to this investigation. The firearm recovered in Mexico was identified as a CAI, Model RAS47, 7.62 caliber rifle, with a serial number of RAS47. Your Affiant knows MORRIS acquired this firearm on August 23, 2018, from Fehner & Son Grain Co, Gonzales Texas. This firearm was part of the Fourteen (14) "AK" style rifles acquired by MORRIS which initiated this investigation.
95. On November 29, 2018, your Affiant learned of two firearms that were recovered in relation to a crime in Nuevo Laredo, Tamaulipas, Mexico on or about November 23, 2018; both of the firearms are linked to this investigation. The first firearm recovered in Mexico was identified as a Colt, Model M4, .223 caliber rifle, with serial number CR013861. The second firearm recovered in Mexico was identified as a Colt, Model M4, .223 caliber rifle, with serial number CR210967. Your Affiant knows MORRIS acquired these firearms on August 9, 2018, from Zeroed In Armory, a FFL located in Pearland, TX.
96. On November 30, 2018, HSI San Antonio conducted surveillance at SOTO's residence after HSI received information days prior that SOTO was going to be receiving approximately 1,000 magazines (500 AR and 500 AK magazines) to his, SOTO's residence, identified by agents as [REDACTED] San Antonio, TX. On this date, agents observed CARDENAS' Pontiac sedan displaying Texas LP LCG2084 parked at SOTO's residence along with SOTO's GMC Yukon and SOTO's GMC Sierra. Agents observed SOTO and Samuel CARDENAS exit SOTO's residence and unload approximately sixteen boxes from two FedEx delivery trucks and load them into the bed of SOTO's GMC Sierra truck displaying TX LP 4DVJPT. Agents conducted

surveillance of SOTO and CARDENAS and they traveled two times to an A-AAAKey Mini Storage, located at 11707 Culebra Road, in San Antonio, TX and then travel back to SOTO's residence. Prior to SOTO and CARDENAS departing the A-AAAKey Mini storage the second time, agents observed SOTO throw large white trash bags into a dumpster of the storage facility. Agents traveled to the A-AAAKey Mini Storage and retrieved eight (8), thirteen-gallon size, white trash bags from the dumpster. Agents discovered the white trash bags contained empty boxes of .223 and 7.62 ammunition. HSI San Antonio served an export enforcement subpoena to A-AAAKey Mini Storage and discovered SOTO was the tenant for storage unit 5007 and listed his contact telephone number of [REDACTED] 4328, a cellular telephone already identified by agents as SOTO's.

97. Once SOTO's GMC Sierra returned to SOTO's residence from the storage, agents observed SOTO and CARDENAS load boxes of ammunition from SOTO's garage into SOTO's GMC Sierra.
98. Agents continued surveillance and followed SOTO from San Antonio to Laredo, TX. Agents observed SOTO's Sierra enter Budget Self Storage located at 5906 San Bernardo Avenue, in Laredo, TX. Agents observed SOTO and his occupants unload all the merchandise from the bed of SOTO's Sierra into storage unit #121 of Budget Self Storage. Agents followed SOTO as he departed the Budget Self Storage to a WalMart in Laredo, TX. Agents maintaining surveillance at Budge Self Storage, Unit #121, observed two vehicles, later identified as a Chevrolet Suburban displaying Mexican License Plates 944-TRD-1 and a Ford Fusion, displaying TX LP JXF-8318 arrive to the storage unit. Agents observed multiple boxes being loaded into both vehicles and depart the Budget Self Storage. Agents followed the Suburban and Fusion to a McDonalds located near the U.S. and Mexico border in Laredo, TX. Agents observed a grey Chrysler 200 sedan park near the Suburban and Fusion. Agents observed the driver of the Chrysler 200 approach the Suburban and Fusion. Agents then observed the Ford Fusion depart from the McDonalds to a business located nearby. Laredo Police Officers and HSI Laredo agents approached the Ford Fusion and received consent to search the vehicle from the driver

and discovered multiple boxes of ammunition inside the trunk of the Fusion. Approximately 18,096 rounds of .223 and 9,981 rounds of 7.62 were discovered inside the boxes found in the trunk of the Fusion.

99. Laredo Police and HSI special agents approached the Chevrolet Suburban and received consent to search the vehicle from the driver and observed bags of magazines and ammunition inside the suburban. Approximately 500 rounds of 50 caliber, 2,004 rounds of .223, 500 AK magazines and 500 AR magazines and 20 ballistic helmets were discovered inside the suburban. At this McDonalds, while agents were searching the Suburban, agents observed SOTO's GMC Sierra arrive to the same McDonalds and park near the scene. Laredo Police Officers approached SOTO's GMC Sierra and identified the occupants as SOTO, CARDENAS, and MX National, Fernando SANCHEZ-Ortiz. Agents then discovered from Budget Self Storage that SANCHEZ-Ortiz was the tenant of storage unit #121. SOTO, CARDENAS, and SANCHEZ-Ortiz were released from the McDonalds.

100. The driver of the Ford Fusion, identified as U.S. Citizen (USC), Gina GIBEAUT and the driver of the Suburban, identified as MX National, Juan Jose GARCIA-Cruz and the driver of the Chrysler 200, identified as USC, Hector Hugo OLIVAS were arrested by HSI Laredo and are being charged with Title 18, United States Code 554. GIBEAUT, GARCIA-Cruz, and OLIVAS were expected to be presented in Federal Court in Laredo, TX on December 3, 2018 for their initial hearing.

CONCLUSION

101. Your Affiant submits that this affidavit supports probable cause for the arrest of Jose SOTO, Samuel CARDENAS, Derek QUINTANILLA and Alex BAUTISTA based on the facts in the affidavit for the offenses of Title 18 USC 554 & 371 and 922(a)(1)(A) & 371.

REQUEST FOR SEALING

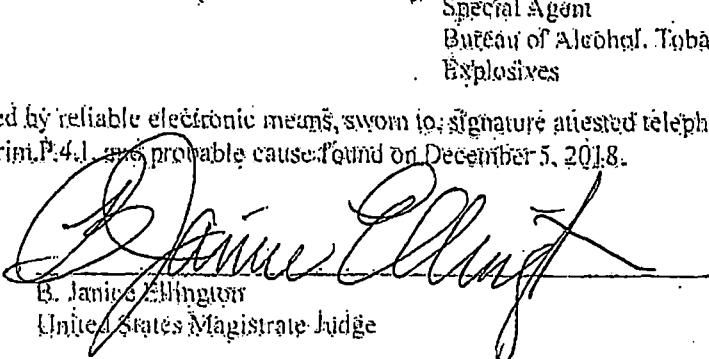
Case 6:18-mj-00173 *SEALED* Document 1 Filed in TXSD on 12/05/18 Page 30 of 30

I further request that the Court order that all papers in support of this application, including the affidavit, be sealed until further order of the Court. These documents discuss an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize that investigation.



Brandon J. Black
Special Agent
Bureau of Alcohol, Tobacco, Firearms and
Explosives

Submitted by reliable electronic means, sworn to, signature attested telephonically per
Fed.R.Crim.P.4.1, due probable cause found on December 5, 2018.



B. Janice Ellington
United States Magistrate Judge

FILED

DEC - 7 2018

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY *[Signature]*

DEPUTY CLERK

UNITED STATES MAGISTRATE COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal No. SA-18-MJ-1487-001

JOSE J. SOTO,

Defendant.

GOVERNMENT'S MOTION TO DETAIN DEFENDANT
AND MOTION FOR CONTINUANCE

TO THE UNITED STATES MAGISTRATE JUDGE:

The United States of America, by and through the United States Attorney for the Western District of Texas, and pursuant to Title 18 U.S.C. 3142, files this Motion to Detain Defendant and Motion for Continuance and moves for the detention of the Defendant without bond. No condition or combination of conditions will reasonably assure the Defendant's appearance and/or the safety of others, for the following reasons:

I. SEC. 3142(f); THREE-DAY CONTINUANCE

- The Defendant is charged with a "crime of violence," as that term is defined in 18 USC 3156(a)(4), a human trafficking offense under 18 USC 1591, or a terrorism offense under 18 USC 2332b(g)(5)(B), for which a maximum term of imprisonment of ten years or more is prescribed;
- The Defendant is charged with an offense for which the maximum sentence is life imprisonment or death;
- The Defendant is charged with an offense for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act (21 USC 801 et seq.), or the Controlled Substances Import and Export Act (21 USC 951 et. seq.);
- The Defendant is charged with a felony offense and has been convicted of two or more prior felonies, each of which is a crime of violence, (as defined in 18 USC 3156(a)(4)), a violation of 18 USC 1591, a violation of 18 USC 2332b(g)(5)(B), or a violation of the Controlled Substances Act (21 USC 801 et seq.) or the Controlled Substances Import and Export Act (21 USC 951 et. seq.), or state offenses which had they been charged in federal court would have been offenses falling within these categories, for which the prescribed punishment is ten years or more;

- The Defendant is charged with an offense that involves a minor victim; or involves the possession or use of a firearm (including but not limited to Felon in Possession), destructive device, or any other dangerous weapon; or involves a failure to register under Title 18, United States Code, Section 2250;
- A serious risk exists that the Defendant will obstruct or attempt to obstruct justice, or threaten, injure, or intimidate or attempt to threaten, injure, or intimidate a prospective witness or juror;
- A serious risk exists that the accused will flee;

Accordingly, the Government moves for detention without bond and requests a three-day continuance of the hearing on this matter.

II. SEC. 3142(d): TEN-DAY CONTINUANCE

The defendant may flee or poses a danger to the community or to any other person, and:

- At the time the offense was committed the Defendant was on release pending trial for a felony offense;
- At the time the offense was committed the Defendant was on release pending imposition of sentence, appeal of sentence, or completion of sentence for any offense;
- At the time the offense was committed the Defendant was on probation or parole for any offense;
- The Defendant is not a United States citizen or not admitted lawfully for permanent residence;

The Government moves for detention and requests a ten-day continuance of the hearing on this matter.

WHEREFORE, PREMISES CONSIDERED, no condition or conditions will reasonably assure the appearance of Defendant as required and the safety of the community, and pursuant to 18 U.S.C. § 3142(f), the Government requests that the Court detain Defendant without bond pending trial, and asks for a hearing on this matter.

Respectfully submitted,

JOHN F. BASH
United States Attorney

/s/
JOHN GIBSON
Assistant United States Attorney
601 NW Loop 410, Suite 600
San Antonio, Texas 78216-5512
Phone: (210) 384-7150

UNITED STATES MAGISTRATE COURT

WESTERN DISTRICT OF TEXAS

SAN ANTONIO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

SA-18-MJ-1487-001

v.

JOSE J. SOTO,

Defendant.

ORDER

On this date the Court considered the Government's Motion to Detain Defendant, and the Court having reviewed said motion enters the following Orders:

IT IS HEREBY ORDERED that the Defendant be temporarily detained pending a hearing on the Government's Motion and until further Order of the Court, pursuant to 18 USC 3142(f).

IT IS FURTHER ORDERED that Defendant's bond hearing is set for _____ at _____ a.m. / p.m.

SIGNED AND ENTERED on: _____

HENRY J. BEMPORAD
UNITED STATES MAGISTRATE JUDGE

FILED

DEC -7 2018

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY *[Signature]*
DEPUTY CLERK

UNITED STATES MAGISTRATE COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal No. SA-18-MJ-1487-003

SAMUEL CARDENAS,

Defendant.

GOVERNMENT'S MOTION TO DETAIN DEFENDANT
AND MOTION FOR CONTINUANCE

TO THE UNITED STATES MAGISTRATE JUDGE:

The United States of America, by and through the United States Attorney for the Western District of Texas, and pursuant to Title 18 U.S.C. 3142, files this Motion to Detain Defendant and Motion for Continuance and moves for the detention of the Defendant without bond. No condition or combination of conditions will reasonably assure the Defendant's appearance and/or the safety of others, for the following reasons:

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- The Defendant is charged with an offense for which the maximum sentence is life imprisonment or death;
- The Defendant is charged with an offense for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act (21 USC 801 et seq.), or the Controlled Substances Import and Export Act (21 USC 951 et. seq.);
- The Defendant is charged with a felony offense and has been convicted of two or more prior felonies, each of which is a crime of violence, (as defined in 18 USC 3156(a)(4)), a violation of 18 USC 1591, a violation of 18 USC 2332b(g)(5)(B), or a violation of the Controlled Substances Act (21 USC 801 et seq.) or the Controlled Substances Import and Export Act (21 USC 951 et. seq.), or state offenses which had they been charged in federal court would have been offenses falling within these categories, for which the prescribed punishment is ten years or more;

- The Defendant is charged with an offense that involves a minor victim; or involves the possession or use of a firearm (including but not limited to Felon in Possession), destructive device, or any other dangerous weapon; or involves a failure to register under Title 18, United States Code, Section 2250;
- A serious risk exists that the Defendant will obstruct or attempt to obstruct justice, or threaten, injure, or intimidate or attempt to threaten, injure, or intimidate a prospective witness or juror;
- A serious risk exists that the accused will flee;

Accordingly, the Government moves for detention without bond and requests a three-day continuance of the hearing on this matter.

II. SEC. 3142(d): TEN-DAY CONTINUANCE

The defendant may flee or poses a danger to the community or to any other person, and:

- At the time the offense was committed the Defendant was on release pending trial for a felony offense;
- At the time the offense was committed the Defendant was on release pending imposition of sentence, appeal of sentence, or completion of sentence for any offense;
- At the time the offense was committed the Defendant was on probation or parole for any offense;
- The Defendant is not a United States citizen or not admitted lawfully for permanent residence,

The Government moves for detention and requests a ten-day continuance of the hearing on this matter.

WHEREFORE, PREMISES CONSIDERED, no condition or conditions will reasonably assure the appearance of Defendant as required and the safety of the community, and pursuant to 18 U.S.C. § 3142(f), the Government requests that the Court detain Defendant without bond pending trial, and asks for a hearing on this matter.

Respectfully submitted,

JOHN F. BASH
United States Attorney

/s/

JOHN GIBSON
Assistant United States Attorney
601 NW Loop 410, Suite 600
San Antonio, Texas 78216-5512
Phone: (210) 384-7150

UNITED STATES MAGISTRATE COURT

WESTERN DISTRICT OF TEXAS

SAN ANTONIO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

SA-18-MJ-1487-003

v.

SAMUEL CARDENAS,

Defendant.

ORDER

On this date the Court considered the Government's Motion to Detain Defendant, and the Court having reviewed said motion enters the following Orders:

IT IS HEREBY ORDERED that the Defendant be temporarily detained pending a hearing on the Government's Motion and until further Order of the Court, pursuant to 18 USC 3142(f).

IT IS FURTHER ORDERED that Defendant's bond hearing is set for

_____ at _____ a.m. / p.m.

SIGNED AND ENTERED on: _____

HENRY J. BEMPORAD
UNITED STATES MAGISTRATE JUDGE

FILED

DEC - 7 2018

UNITED STATES MAGISTRATE COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY *[Signature]*
DEPUTY CLERK

UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal No. SA-18-MJ-1487-004

ALEX BAUTISTA,

Defendant.

GOVERNMENT'S MOTION TO DETAIN DEFENDANT
AND MOTION FOR CONTINUANCE

TO THE UNITED STATES MAGISTRATE JUDGE:

The United States of America, by and through the United States Attorney for the Western District of Texas, and pursuant to Title 18 U.S.C. 3142, files this Motion to Detain Defendant and Motion for Continuance and moves for the detention of the Defendant without bond. No condition or combination of conditions will reasonably assure the Defendant's appearance and/or the safety of others, for the following reasons:

I. SEC. 3142(f); THREE-DAY CONTINUANCE

- The Defendant is charged with a "crime of violence," as that term is defined in 18 USC 3156(a)(4), a human trafficking offense under 18 USC 1591, or a terrorism offense under 18 USC 2332b(g)(5)(B), for which a maximum term of imprisonment of ten years or more is prescribed;
- The Defendant is charged with an offense for which the maximum sentence is life imprisonment or death;
- The Defendant is charged with an offense for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act (21 USC 801 et seq.), or the Controlled Substances Import and Export Act (21 USC 951 et. seq.);
- The Defendant is charged with a felony offense and has been convicted of two or more prior felonies, each of which is a crime of violence, (as defined in 18 USC 3156(a)(4)), a violation of 18 USC 1591, a violation of 18 USC 2332b(g)(5)(B), or a violation of the Controlled Substances Act (21 USC 801 et seq.) or the Controlled Substances Import and Export Act (21 USC 951 et. seq.), or state offenses which had they been charged in federal court would have been offenses falling within these categories, for which the prescribed punishment is ten years or more;

- The Defendant is charged with an offense that involves a minor victim; or involves the possession or use of a firearm (including but not limited to Felon in Possession), destructive device, or any other dangerous weapon; or involves a failure to register under Title 18, United States Code, Section 2250;
- A serious risk exists that the Defendant will obstruct or attempt to obstruct justice, or threaten, injure, or intimidate or attempt to threaten, injure, or intimidate a prospective witness or juror;
- A serious risk exists that the accused will flee;

Accordingly, the Government moves for detention without bond and requests a three-day continuance of the hearing on this matter.

II. SEC. 3142(d): TEN-DAY CONTINUANCE

The defendant may flee or poses a danger to the community or to any other person, and:

- At the time the offense was committed the Defendant was on release pending trial for a felony offense;
- At the time the offense was committed the Defendant was on release pending imposition of sentence, appeal of sentence, or completion of sentence for any offense;
- At the time the offense was committed the Defendant was on probation or parole for any offense;
- The Defendant is not a United States citizen or not admitted lawfully for permanent residence,

The Government moves for detention and requests a ten-day continuance of the hearing on this matter.

WHEREFORE, PREMISES CONSIDERED, no condition or conditions will reasonably assure the appearance of Defendant as required and the safety of the community, and pursuant to 18 U.S.C. § 3142(f), the Government requests that the Court detain Defendant without bond pending trial, and asks for a hearing on this matter.

Respectfully submitted,

JOHN F. BASH
United States Attorney

/s/

JOHN GIBSON
Assistant United States Attorney
601 NW Loop 410, Suite 600
San Antonio, Texas 78216-5512
Phone: (210) 384-7150

UNITED STATES MAGISTRATE COURT

WESTERN DISTRICT OF TEXAS

SAN ANTONIO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

SA-18-MJ-1487-004

v.

ALEX BAUTISTA,

Defendant.

ORDER

On this date the Court considered the Government's Motion to Detain Defendant, and the Court having reviewed said motion enters the following Orders:

IT IS HEREBY ORDERED that the Defendant be temporarily detained pending a hearing on the Government's Motion and until further Order of the Court, pursuant to 18 USC 3142(f).

IT IS FURTHER ORDERED that Defendant's bond hearing is set for

_____ at _____ a.m. / p.m.

SIGNED AND ENTERED on: _____

HENRY J. BEMPORAD
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

USA

vs.

(1) Jose Soto
(2) Derek Quintanilla
(3) Samuel Cardenas
(4) Alex Bautista

AKA:

§ Case Number: SA:18-M-01488(1,2,3,4)
§ TXSD - Corpus Christi: 6:18-MJ-173

§ Date: December 07, 2018

§ Time: 3:37 - 4:01 p.m.§ SWORN:

PROCEEDING MEMO - INITIAL APPEARANCE

1.	<input checked="" type="checkbox"/> Complaint Filed <u>December 5, 2018</u>	<input type="checkbox"/> Arrest Warrant Issued	<i>Date</i>
	<input type="checkbox"/> Indictment		
	<input type="checkbox"/> Information		
	<input type="checkbox"/> Prob Form 12	<input type="checkbox"/> Agency	
	<input checked="" type="checkbox"/> Arrested <u>December 7, 2018</u>		<i>Date</i>
2. COURT PERSONNEL:			
Magistrate Judge:	<u>HENRY J. BEMPORAD</u>		
Courtroom Deputy:	<u>Kriston Hunt</u>		
Interpreter:	<u>NO</u>		
3. APPEARANCES:	For the United States:	<u>John Gibson -Excused</u>	
	For the Defendant:	<u>Michael McCrum as to deft. 2</u>	
	Address:		
	Phone:		
	Retained <input checked="" type="checkbox"/>	FPD <input type="checkbox"/>	CJA <input type="checkbox"/>

4. PROCEEDINGS:

- Defendant found competent.
- Defendant informed of and received copy of charging document
Violation: 18 USC 922(a)(1)(A); 18 USC 544; 18 USC 371
- Defendant informed of maximum penalty: Count 1: 5 yrs imp./ \$250,000 fine/ 3 yrs
s.r./ \$100 s.a.; Count 2: 2 yrs imp/ \$5,000 fine/ 1 yr s.r./ \$100 s.a.; Count 3: 5 yrs imp/
\$250,000 fine/ 3 yrs s.r/ \$100 s.a.

d. Defendant informed of constitutional rights.
My constitutional rights have been explained to me.
 Date _____ Signature _____

e. Defendant informed of right to Identity Hearing.
 set for December 12, 2018 at 10:00 a.m. as to all defendants
 OR
 No right to Preliminary Examination.
 Arraignment set for _____

f. Defendant informed of right to legal counsel.
 1) Defendant waives counsel, OR
 2) Defendant will try to secure counsel and inform court by _____ as to name, address of counsel retained, OR
 3) Defendants 1, 3, & 4 requests appointment of counsel.
 Defendant has completed financial affidavit.
X a) Court finds Defendant is financially eligible and orders counsel appointed.
 OR FPD as to deft. 1; CJA as to defts. 3 & 4
b) Court finds Defendant is financially ineligible and denies request.
 Defendant to advise Court by _____ as to name, address of counsel retained.

g. PRETRIAL RELEASE:
 1) Government moved for detention under §3142(f).
 Detention Hearing set for: December 12, 2018 at 10:00 a.m. as to defts. 1, 3, & 4
 2) Court SUA SPONTE "moves" for detention.
 Detention Hearing set for: _____
 3) Temporary detention ordered.
 Bond Hearing set for: December 12, 2018 at 10:00 a.m. as to defts. 1, 3, & 4
 4) Court orders Defendant 2 released on the following conditions:
 a) Personal recognizance.
 b) Defendant's bond set at \$50,000.0
 which is unsecured.
 which requires _____ % deposit.
 which requires 100% cash/corporate/surety.
 Additional conditions of release as set forth in Order Setting Conditions of Release.
 5) Detention ordered (i.e., Probation Violation).

h. Temporary commitment issued _____

Date

i. Preliminary Examination continued/reset to _____
at _____ *Date*
Time

j. Preliminary Examination held _____ *Date*

k. Probable Cause found _____ *Date*
OR
 No Probable Cause found _____ *Date*

l. Defendant held to District Court _____ *Date*

m. Defendant dismissed on Government's motion _____ *Date*

n. Final Commitment Issued _____ *Date*

o. Arraignment Set _____ *Date*

5. a. **OTHER PROCEEDINGS** _____

FILED

DEC 7 2018

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY *[Signature]*
DEPUTY CLERK

USA

§

vs.

§

Case No.: SA:18-M-01488(1)

(1) Jose Soto
Defendant

§

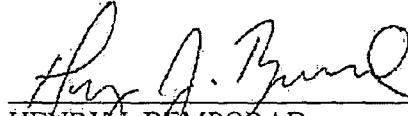
§

ORDER APPOINTING COUNSEL

The above-named defendant having satisfied this court after appropriate inquiry that he/she (1) does not wish to waive representation by counsel, and (2) is financially unable to obtain counsel, the Federal Public Defender is hereby APPOINTED to represent the defendant in the above-styled and numbered cause.

Should this case proceed before a United States District Judge, the appointment shall, nevertheless, remain in effect until terminated or a substitute attorney is appointed or retained.

SIGNED on 7th day of December, 2018.


HENRY J. BEMPORAD
UNITED STATES MAGISTRATE JUDGE

FILED

DEC -7 2018

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY *[Signature]*
DEPUTY CLERK

UNITED STATES OF AMERICA,

vs

SAMUEL CARDENAS,

Defendant

Case Number: 5:18-MJ-01487-3-
HJB

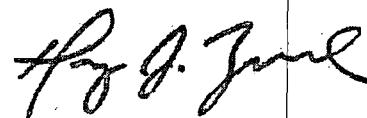
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ORDER APPOINTING COUNSEL

The above named Defendant has testified under oath, or has otherwise satisfied this court, that he/she is financially unable to obtain counsel and does not wish to waive representation by counsel.

Therefore, in the interest of justice, John Herbert Robertson, is hereby appointed to represent the defendant in the above-styled and numbered cause.

This appointment shall remain in effect until further order of this court.
It is so ORDERED this 7th day of December, 2018.



Henry J. Bemporad
U.S. Magistrate Judge

FILED

DEC - 7 2018

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY *[Signature]*
DEPUTY CLERK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA,

vs

ALEX BAUTISTA,

Defendant

Case Number: 5:18-MJ-01487-4
HJB

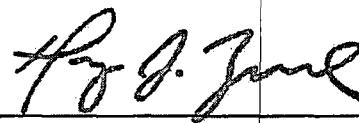
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ORDER APPOINTING COUNSEL

The above named Defendant has testified under oath, or has otherwise satisfied this court, that he/she is financially unable to obtain counsel and does not wish to waive representation by counsel.

Therefore, in the interest of justice, Francis Joseph Stenberg, is hereby appointed to represent the defendant in the above-styled and numbered cause.

This appointment shall remain in effect until further order of this court.
It is so ORDERED this 7th day of December, 2018.



Henry J. Bemporad
U.S. Magistrate Judge

FILED

DEC -7 2018

AO 470 (12/03) Order of Temporary Detention

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY *[Signature]* DEPUTY CLERK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

United States of America

§ ORDER OF TEMPORARY DETENTION
§ PENDING HEARING PURSUANT TO
§ BAIL REFORM ACT

.vs.

(1) Jose Soto
(3) Samuel Cardenas
(4) Alex Bautista
Defendant

Defendant

Case Number: SA:18-M-01488(1,3,4)

Upon Motion of the Government, it is ORDERED that a

IDENTITY/PRELIMINARY/DETENTION HEARING

is set for December 12, 2018 * at 10:00 AM
Date *Time*

before United States Magistrate Judge Elizabeth S. ("Betsy") Chestney
in the Courtroom B, on the 4th Floor in the John H. Wood, Jr. United States Courthouse, 655 East Cesar E. Chavez Boulevard, San Antonio, TX
Location of Judicial Officer

Pending this hearing, the defendant shall be held in custody by (the United States Marshal)

(_____)
and produced for the hearing.

7th day of December, 2018

Date

HENRY J. BEMPORAD
UNITED STATES MAGISTRATE JUDGE

* If not held immediately upon defendant's first appearance, the hearing may be continued for up to three days upon motion of the Government, or up to five days upon motion of the defendant. 18 U.S.C. §3142(f)(2).

A hearing is required whenever the conditions set forth in 18 U.S.C. §3142(f) are present. Subsection (1) sets forth the grounds that may be asserted by the attorney for the Government; subsection (2) states that a hearing is mandated upon the motion of the attorney for the Government or upon the officer's own motion if there is a serious risk that the defendant (a) will flee or (b) will obstruct or attempt to obstruct justice, or threaten, injure, or or attempt to threaten, injure, or intimidate a prospective witness or juror.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

United States of America

**§ WAIVER OF RULE 5 & 5.1 HEARINGS
§ (Excluding Probation Cases)**

VS.

8

(1) Jose Soto

Defendant

88

Case Number: SA:18-M-01488(1)

8

REF: 6:18-MJ-173

I, (1) Jose Soto understand that in the
Southern District of Texas - Corpus Christi Division charges are pending
alleging violation of 18 USC 922

and that I have been arrested in this district and taken before a United States Magistrate, who informed me of the charge and of my right to:

(1) retain counsel or request the assignment of counsel if I am unable to retain counsel; (2) an identity hearing to determine whether I am the person named in the charge(s); (3) a preliminary hearing (unless an indictment has been returned or an information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held in this district or the district of prosecution; (4) request transfer of the proceedings to this district under Federal Rule of Criminal Procedure 20, in order to plead guilty.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

() Identity Hearing.

() Preliminary Examination.

() Identity Hearing and I have been informed I have no right to a preliminary examination.

() Identity Hearing but request a preliminary examination be held in the prosecuting district
therefore, consent to the issuance of an order requiring my appearance in the prosecuting district
the charge is pending against me.

(1) Jose Soto, *Defendant*

Date

Counsel for Defendant

6/7/2011 Waiver of Detention Hearing

UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF TEXAS
 SAN ANTONIO DIVISION

United States of America

§

vs.

§

NO: SA:18-M-01488(1)

(1) Jose Soto

§

§

WAIVER OF DETENTION HEARING

At the initial appearance, the government requested that I be detained without bond pending trial pursuant to Title 18 U.S.C. Section 3142(f).

I am aware of my right to a detention hearing and to require the government to meet its burden of proving that no conditions of release exist which will reasonably assure my appearance in court and the safety of the community. I know that if I waive my detention hearing, I will remain in custody pending trial. By signing this Waiver of Detention Hearing I acknowledge that I have no questions and understand my rights and the consequences of waiving those rights, and agree to be detained without bond pending trial.

Date	Defendant
Name of Attorney for Defendant (Print)	
Date	Signature of Attorney for Defendant

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

United States of America

§ **WAIVER OF RULE 5 & 5.1 HEARINGS**
 § **(Excluding Probation Cases)**

vs.

(3) Samuel Cardenas

Defendant

§ Case Number: SA:18-M-01488(3)

§ REF: 6:18-MJ-173

I, (1) Jose Soto understand that in the
Southern District of Texas - Corpus Christi Division charges are pending
 alleging violation of 18 USC 922

and that I have been arrested in this district and taken before a United States Magistrate, who informed me of the charge and of my right to:

(1) retain counsel or request the assignment of counsel if I am unable to retain counsel; (2) an identity hearing to determine whether I am the person named in the charge(s); (3) a preliminary hearing (unless an indictment has been returned or an information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held in this district or the district of prosecution; (4) request transfer of the proceedings to this district under Federal Rule of Criminal Procedure 20, in order to plead guilty.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

- Identity Hearing.
- Preliminary Examination.
- Identity Hearing and I have been informed I have no right to a preliminary examination.
- Identity Hearing but request a preliminary examination be held in the prosecuting district and therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charge is pending against me.

(1) Jose Soto, Defendant

Date

Counsel for Defendant

6/7/2011 Waiver of Detention Hearing

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

United States of America §
§
vs. § NO: SA:18-M-01488(3)
§
(3) Samuel Cardenas §

WAIVER OF DETENTION HEARING

At the initial appearance, the government requested that I be detained without bond pending trial pursuant to Title 18 U.S.C. Section 3142(f).

I am aware of my right to a detention hearing and to require the government to meet its burden of proving that no conditions of release exist which will reasonably assure my appearance in court and the safety of the community. I know that if I waive my detention hearing, I will remain in custody pending trial. By signing this Waiver of Detention Hearing I acknowledge that I have no questions and understand my rights and the consequences of waiving those rights, and agree to be detained without bond pending trial.

Date	Defendant
	Name of Attorney for Defendant (Print)
Date	Signature of Attorney for Defendant

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

United States of America

**§ WAIVER OF RULE 5 & 5.1 HEARINGS
§ (Excluding Probation Cases)**

vs.

(4) Alex Bautista

Defendant

Case Number: SA:18-M-01488(4)

REF: 6:18-MJ-173

I, (1) Jose Soto understand that in the
Southern District of Texas - Corpus Christi Division charges are pending
alleging violation of 18 USC 922

and that I have been arrested in this district and taken before a United States Magistrate, who informed me of the charge and of my right to:

(1) retain counsel or request the assignment of counsel if I am unable to retain counsel; (2) an identity hearing to determine whether I am the person named in the charge(s); (3) a preliminary hearing (unless an indictment has been returned or an information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held in this district or the district of prosecution; (4) request transfer of the proceedings to this district under Federal Rule of Criminal Procedure 20, in order to plead guilty.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

- Identity Hearing.
- Preliminary Examination.
- Identity Hearing and I have been informed I have no right to a preliminary examination.
- Identity Hearing but request a preliminary examination be held in the prosecuting district and therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charge is pending against me.

(1) Jose Soto, Defendant

Date

Counsel for Defendant

6/7/2011 Waiver of Detention Hearing

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

United States of America

§

§

vs.

§

NO: SA:18-M-01488(4)

§

(4) Alex Bautista

§

§

WAIVER OF DETENTION HEARING

At the initial appearance, the government requested that I be detained without bond pending trial pursuant to Title 18 U.S.C. Section 3142(f).

I am aware of my right to a detention hearing and to require the government to meet its burden of proving that no conditions of release exist which will reasonably assure my appearance in court and the safety of the community. I know that if I waive my detention hearing, I will remain in custody pending trial. By signing this Waiver of Detention Hearing I acknowledge that I have no questions and understand my rights and the consequences of waiving those rights, and agree to be detained without bond pending trial.

Date

Defendant

Name of Attorney for Defendant (Print)

Date

Signature of Attorney for Defendant

FILED

DEC - 7 2018

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY *[Signature]* DEPUTY CLERK

United States of America

§

Plaintiff

§

§

vs.

§

Case Number: SA:18-M-01488(2)

(2) Derek Quintanilla

§

Defendant

§

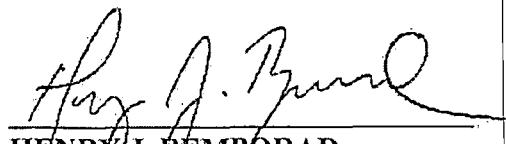
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ORDER SETTING IDENTITY/PRELIMINARY HEARING

IT IS HEREBY ORDERED that the above entitled and numbered case is set for 10:00 AM, in Courtroom B, on the 4th Floor in the John H. Wood, Jr. United States Courthouse, 655 East Cesar E. Chavez Boulevard, San Antonio, TX on Wednesday, December 12, 2018.

IT IS FURTHER ORDERED that the Clerk of Court shall send a copy of this order to counsel for defendant, the United States Attorney, U.S. Pretrial Services, United States Probation Office, and any surety or custodian, if applicable. Further, counsel for the defendant shall notify the defendant of this setting. If the defendant is on bond, he/she shall be present.

IT IS SO ORDERED this 7th day of December, 2018.


HENRY J. BEMPORAD
UNITED STATES MAGISTRATE JUDGE

DEFENDANT RELEASED ON BOND AT INITIAL APPEARANCE, NO DETENTION HEARING REQUIRED

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

United States of America

**§ WAIVER OF RULE 5 & 5.1 HEARINGS
§ (Excluding Probation Cases)**

vs.

Case Number: SA:18 M 01488(2)

(2) Derek Quintanilla
Defendant

REF: 6:18-MJ-173

I, (2) Derek Quintanilla understand that in the
Southern District of Texas - Corpus Christi Division charges are pending
alleging violation of 18 USC 922

and that I have been arrested in this district and taken before a United States Magistrate, who informed me of the charge and of my right to:

(1) retain counsel or request the assignment of counsel if I am unable to retain counsel; (2) an identity hearing to determine whether I am the person named in the charge(s); (3) a preliminary hearing (unless an indictment has been returned or an information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held in this district or the district of prosecution; (4) request transfer of the proceedings to this district under Federal Rule of Criminal Procedure 20, in order to plead guilty.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

- Identity Hearing.
- Preliminary Examination.
- Identity Hearing and I have been informed I have no right to a preliminary examination.
- Identity Hearing but request a preliminary examination be held in the prosecuting district and therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charge is pending against me.

(2) Derek Quintanilla, Defendant

Date

Counsel for Defendant

Case 5:18-mj-01487-HJB Docket 1182 Filed 12/20/18 Page 14 of 2

MIME-Version:1.0

From:TXW_USDC_Notice@txwd.uscourts.gov

To:cmeccf_notices@txwd.uscourts.gov

Bcc:

--Case Participants: John Michael Gibson (john.gibson3@usdoj.gov, patricia.liedecke@usdoj.gov), Joe Stenberg (atyjoe@aol.com), John H. Robertson (jrobertson@brylaklaw.com), Duty Pub. Defender-San Antonio (janie_craig@fd.org, monica_saenz@fd.org, txwsa_ecf@fd.org), Michael W. McCrum (assistant@mccrumlegal.com, michael@mccrumlegal.com, priscilla@mccrumlegal.com), Judge Henry J. Bemporad (jennifer_bruning@txwd.uscourts.gov, wendy_branham@txwd.uscourts.gov)

--Non Case Participants:

--No Notice Sent:

Message-Id:20364604@txwd.uscourts.gov

Subject:Activity in Case 5:18-mj-01487-HJB USA v. Soto et al Notice of Correction

Content-Type: text/html

U.S. District Court [LIVE]

Western District of Texas

Notice of Electronic Filing

The following transaction was entered on 12/7/2018 at 5:39 PM CST and filed on 12/7/2018

Case Name: USA v. Soto et al

Case Number: 5:18-mj-01487-HJB

Filer:

Document Number: No document attached

Docket Text:

Notice of Correction: [14] Order Granting Motion for Continuance text edited to reflect hearing before Judge Chestney not Judge Bemporad. (kh2)

5:18-mj-01487-HJB-1 Notice has been electronically mailed to:

Duty Pub. Defender-San Antonio janie_craig@fd.org, monica_saenz@fd.org, TXWSA_ECF@fd.org

John Michael Gibson John.Gibson3@usdoj.gov, Patricia.Liedecke@usdoj.gov

5:18-mj-01487-HJB-1 Notice has been delivered by other means to:

5:18-mj-01487-HJB-3 Notice has been electronically mailed to:

John H. Robertson jrobertson@brylaklaw.com

John Michael Gibson John.Gibson3@usdoj.gov, Patricia.Liedecke@usdoj.gov

5:18-mj-01487-HJB-3 Notice has been delivered by other means to:

5:18-mj-01487-HJB-4 Notice has been electronically mailed to:

Joe Stenberg atyjoe@aol.com

John Michael Gibson John.Gibson3@usdoj.gov, Patricia.Liedecke@usdoj.gov

5:18-mj-01487-HJB-4 Notice has been delivered by other means to:

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA §
§
§
V. § CAUSE NO. SA-18-1487
§
§
JOSE J. SOTO §

NOTICE OF ATTORNEY APPEARANCE

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Kurt G. May, Assistant Federal Public Defender and enters his appearance as counsel for the defendant in the above-styled and numbered cause.

Respectfully submitted,

MAUREEN SCOTT FRANCO
Federal Public Defender

/s/ KURT G. MAY
Assistant Federal Public Defender
727 E. César E. Chávez Blvd., Suite B-207
San Antonio, Texas 78206-1205
State Bar No. 00789874
Tel.: 210-472-6700
Fax: 210-472-4454

CERTIFICATE OF SERVICE

I hereby certify that on the 10TH day of December 2018, I filed the foregoing Notice of Appearance using the CM/ECF system which will give electronic notification to the following:

John Michael Gibson
Assistant United States Attorney
601 NW Loop 410, Suite 600
San Antonio, Texas 78216

/s/ KURT G. MAY
Assistant Federal Public Defender

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

UNITED STATES OF AMERICA §
v. §
JOSE J. SOTO, §
§
§
§
§
CAUSE NO: 5:18-MJ-01487-(1)

NOTICE OF APPEARANCE

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES SCOTT MCCRUM, Attorney and hereby enters a Notice of Appearance as Counsel for Defendant JOSE J. SOTO, in the above-entitled and numbered cause.

Respectfully Submitted,

/s/ Scott W. McCrum
Scott McCrum
Texas State Bar No. 00795508
Attorney at Law
404 East Ramsey., Suite 102
San Antonio, Texas 78216
Phone: (210) 225-4851
Fax: (210) 225-7045

Certificate of Service

I hereby certify that a copy of the above and foregoing document has been filed electronically, on this the 10th day of December, 2018 and a copy sent to the United States Attorney's Office, and all other counsel through the court's electronic filing system.

/s/ Scott W. McCrum
SCOTT W. MCCRUM

UNITED STATES MAGISTRATE COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA,

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§
§

vs.

Cause No. 5:18-MJ-01487-4

ALEX BAUTISTA

APPEARANCE OF COUNSEL

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes Justin A. Fischer and hereby files this appearance as attorney of record for Alex Bautista, Defendant.

Respectfully submitted,

By:/s/Justin A. Fischer

Justin A. Fischer
State Bar No. 24065233
6851 Citizens Parkway, Ste. 222
San Antonio, Texas 78229
Ph: 210-341-4070
Fax: 210-341-4459
Attorney for Alex Bautista

CERTIFICATE OF SERVICE

This is to certify that on December 10, 2018, a true and correct copy of the above and foregoing document was served on the United States Attorney's Office and all other counsel through the Court's electronic filing system.

/a/Justin A. Fischer
Justin A. Fischer

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

United States of America

vs.

(2) Derek Quintanilla

Defendant

§ WAIVER OF RULE 5 & 5.1 HEARINGS
(Excluding Probation Cases)

§ Case Number: SA:18-M-01488(2)

§ REF: 6:18-MJ-173

I, (2) Derek Quintanilla understand that in the
Southern District of Texas - Corpus Christi Division charges are pending
alleging violation of 18 USC 922

and that I have been arrested in this district and taken before a United States Magistrate, who informed me of the charge and of my right to:

(1) retain counsel or request the assignment of counsel if I am unable to retain counsel; (2) an identity hearing to determine whether I am the person named in the charge(s); (3) a preliminary hearing (unless an indictment has been returned or an information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held in this district or the district of prosecution; (4) request transfer of the proceedings to this district under Federal Rule of Criminal Procedure 20, in order to plead guilty.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

Identity Hearing.

Preliminary Examination.

Identity Hearing and I have been informed I have no right to a preliminary examination.

Identity Hearing but request a preliminary examination be held in the prosecuting district and therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charge is pending against me.

12-10-18

Date

Derek Quintanilla, Defendant

Michael McGinn

Counsel for Defendant

BAIL REVIEWCASE NO. SA:18-M-01487(3,4) LOCATION: SAN ANTONIO, TEXAS

DEFENDANT'S NAME

#3 Samuel Cardenas
#4 Alex Bautista

ATTORNEY FOR DEFENDANT:

#3 [CJA] John H. Robertson
#4 [CJA] Justin A FischerJUDGE: ELIZABETH S. ("BETSY") CHESTNEYAUSA: John Michael GibsonDEPUTY CLERK: Teresa IrachetaINTERPRETER: N/ACOURT REPORTER: FTR GOLDPROB. OFFICER: N/ADATE: Wednesday, December 12, 2018PRETRIAL OFFICER: presentTIME IN COURT: 10:24-10:32am

PROCEEDINGS	3	4	DFT NO.
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<input checked="" type="checkbox"/> BAIL REVIEW HELD	<input checked="" type="checkbox"/> X	<input checked="" type="checkbox"/> X	
<input type="checkbox"/> NOT GUILTY	<input type="checkbox"/> 1. COUNT	<input type="checkbox"/> 2. COUNT	
	<input type="checkbox"/> 3. COUNT	<input type="checkbox"/> 4. COUNT	
<input type="checkbox"/> DEFENDANT FAILED TO APPEAR/BENCH WARRANT TO ISSUE			
<input type="checkbox"/> ARRAIGNMENT HELD/WAIVED			
<input checked="" type="checkbox"/> IDENTITY AND PRELIMINARY HEARING WAIVED	<input checked="" type="checkbox"/> X	<input checked="" type="checkbox"/> X	
<input type="checkbox"/> PROBABLE CAUSE FOUND			
<input type="checkbox"/> NO PROBABLE CAUSE FOUND/CASE DISMISSED			
<input type="checkbox"/> DETENTION HEARING HELD			
<input type="checkbox"/> DEFENDANT ORDERED DETAINED W/O BOND			
<input checked="" type="checkbox"/> BOND SET: <input type="checkbox"/> 1. _____	<input type="checkbox"/> 2. \$ _____		
<input checked="" type="checkbox"/> 3. \$ <u>50,000.00</u> <u>UNSECURED</u>	<input checked="" type="checkbox"/> 4. \$ <u>30,000.00</u> <u>UNSECURED</u>		
<input type="checkbox"/> DEFENDANT UNABLE TO RETAIN COUNSEL COURT APPOINTED: _____			
<input type="checkbox"/> DETENTION HEARING RESET TO: _____			

OTHER: The Government no longer seeks detention and will agree to defendant's release on bond with conditions as recommended by Pretrial Services. The Court approved the recommendation and admonished defendant of the conditions of pretrial release. Defendant Alex Bautista is to remain in U.S. Marshal custody pending space availability at a community corrections facility.

FILED

DEC 12 2018

CLERK, U.S. DISTRICT CLERK
WESTERN DISTRICT OF TEXAS
BY

DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

United States of America

vs.

(3) Samuel Cardenas

Defendant

§ WAIVER OF RULE 5 & 5.1 HEARINGS
(Excluding Probation Cases)

§ Case Number: SA:18-M-01487(3)

§ REF:

§

I, (3) Samuel Cardenas understand that in the
Western District of Texas charges are pending
 alleging violation of 18 USC § 923(a)(3)(A), 18 USC § 644, 18 USC § 371

and that I have been arrested in this district and taken before a United States Magistrate, who informed me of the charge and of my right to:

(1) retain counsel or request the assignment of counsel if I am unable to retain counsel; (2) an identity hearing to determine whether I am the person named in the charge(s); (3) a preliminary hearing (unless an indictment has been returned or an information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held in this district or the district of prosecution; (4) request transfer of the proceedings to this district under Federal Rule of Criminal Procedure 20, in order to plead guilty.

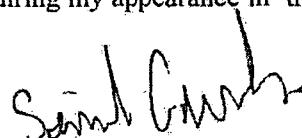
I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

Identity Hearing.

Preliminary Examination.

Identity Hearing and I have been informed I have no right to a preliminary examination.

Identity Hearing but request a preliminary examination be held in the prosecuting district and therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charge is pending against me.



(3) Samuel Cardenas

Defendant



Counsel for Defendant

12-12-18

Date

FILED

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

DEC 12 2018
CLERK, U.S. DISTRICT CLERK
BY *R* CLERK, U.S. DISTRICT CLERK
WESTERN DISTRICT OF TEXAS
DEPUTY

United States of America

vs.

(4) Alex Bautista

Defendant

§ WAIVER OF RULE 5 & 5.1 HEARINGS
(Excluding Probation Cases)

§ Case Number: SA:18-M-01487(4)

§ REF:

§

I, (4) Alex Bautista understand that in the
SDTX charges are pending
 alleging violation of 18 USC 223a (1)(A), 18 USC 5441, 18 USC 373

and that I have been arrested in this district and taken before a United States Magistrate, who informed me of the charge and of my right to:

(1) retain counsel or request the assignment of counsel if I am unable to retain counsel; (2) an identity hearing to determine whether I am the person named in the charge(s); (3) a preliminary hearing (unless an indictment has been returned or an information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held in this district or the district of prosecution; (4) request transfer of the proceedings to this district under Federal Rule of Criminal Procedure 20, in order to plead guilty.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

Identity Hearing.

Preliminary Examination.

Identity Hearing and I have been informed I have no right to a preliminary examination.

Identity Hearing but request a preliminary examination be held in the prosecuting district and therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charge is pending against me.

Alex Bautista
(4) Alex Bautista, Defendant

Counsel for Defendant

12-12-18
Date

FILED

DEC 22 2018

CLERK, U.S. DISTRICT CLERK
WESTERN DISTRICT OF TEXAS
BY *[Signature]*

DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

United States of America

vs.

(1) Jose J. Soto

Defendant

**WAIVER OF RULE 5 & 5.1 HEARINGS
(Excluding Probation Cases)**

Case Number: SA:18-M-01487(1)

REF:

I, (1) Jose J. Soto understand that in the charges are pending
alleging violation of _____

and that I have been arrested in this district and taken before a United States Magistrate, who informed me of the charge and of my right to:

(1) retain counsel or request the assignment of counsel if I am unable to retain counsel; (2) an identity hearing to determine whether I am the person named in the charge(s); (3) a preliminary hearing (unless an indictment has been returned or an information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held in this district or the district of prosecution; (4) request transfer of the proceedings to this district under Federal Rule of Criminal Procedure 20, in order to plead guilty.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

Identity Hearing.

Preliminary Examination.

Identity Hearing and I have been informed I have no right to a preliminary examination.

Identity Hearing but request a preliminary examination be held in the prosecuting district and therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charge is pending against me.

[Signature]
(1) Jose J. Soto
Defendant

12/12/18
Date

[Signature]
Counsel for Defendant

DETENTION HEARING

CASE NO.	SA:18-M-01487(1)	LOCATION:	SAN ANTONIO, TEXAS	
DEFENDANT'S NAME	ATTORNEY FOR DEFENDANT:			
#1 Jose J. Soto	#1 [FPD] Kurt Gene May			
JUDGE:	ELIZABETH S. ("BETSY") CHESTNEY	AUSA:	John Gibson	
DEPUTY CLERK:	Teresa Iracheta	INTERPRETER:	<input type="checkbox"/>	Yes
COURT REPORTER:	FTR GOLD	PROB. OFFICER	<input checked="" type="checkbox"/>	No
DATE:	Wednesday, December 12, 2018	PRETRIAL OFFICER:	Raul Villa	
		TIME:	110 Minutes	10:44 - 12:34pm

PROCEEDINGS	DFT NO.
	1
<input type="checkbox"/> ARRAIGNMENT HELD	
<input type="checkbox"/> ARRAIGNMENT RESET TO: _____	
<input type="checkbox"/> NOT GUILTY	1. COUNT _____
	2. COUNT _____
	3. COUNT _____
	4. COUNT _____
<input type="checkbox"/> DEFENDANT FAILS TO APPEAR	
<input type="checkbox"/> COURT ORDERS BENCH WARRANT TO BE ISSUED	
<input checked="" type="checkbox"/> IDENTITY AND PRELIMINARY HEARING WAIVED	X
<input checked="" type="checkbox"/> PROBABLE CAUSE FOUND	X
<input type="checkbox"/> PRELIMINARY HEARING/REVOCATION RESET TO: _____	
<input type="checkbox"/> NO PROBABLE CAUSE FOUND/CASE DISMISSED	
<input checked="" type="checkbox"/> DETENTION HEARING HELD	X
<input checked="" type="checkbox"/> DEFENDANT ORDERED DETAINED W/O BOND	X
<input type="checkbox"/> BOND SET: _____	1. \$ _____
	2. \$ _____
	3. \$ _____
	4. \$ _____
<input type="checkbox"/> DEFENDANT UNABLE TO RETAIN COUNSEL	
COURT APPOINTED: _____	
<input type="checkbox"/> DETENTION HEARING RESET TO: _____	
OTHER: Case Called. Announcement of Counsel. Witnesses for the Govt and the Def called. Court detained def without bond. Written order forthcoming.	

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA,

vs.

(1) JOSE J. SOTO,

Defendant.

CASE NO.
SA-18-MJ-1487(1)

ORDER

Before the Court is Defendant's Motion for Revocation Order and Request to Reopen Detention Hearing [#19] and the Government's Motion to Detain [#11]. On December 4, 2018, the District Court referred to the matter to the undersigned for a hearing, effectively granting Defendant's Request for a new detention hearing. *See* 18 U.S.C. § 3145(b) (permitting the Court with original jurisdiction to reconsider detention when the detention order is by a magistrate judge or a Court without original jurisdiction); *United States v. Ruben*, 974 F.2d 580, 585 (5th Cir. 1992) (review is *de novo*). On December 12, 2018, the undersigned held a detention hearing, at which Defendant, his attorney, and the Government appeared. During the hearing, the parties presented testimony and documentary evidence, and the Court took judicial notice of the Pretrial Services Report. Based on that information and evidence presented at the hearing, the relevant law, and the case file as a whole, the Court ordered that Defendant remain detained for the reasons stated on the record during the hearing, including but not limited to the following:

The Government has met its burden to prove that there is no set of conditions that this Court could impose that would reasonably assure the Defendant's appearance and/or that would reasonably assure the safety of the community. *See* 18 U.S.C. § 3142(f). Defendant has been indicted for—and thus, a grand jury has found probable cause that Defendant—committed the offense of conspiracy to smuggle goods from the United States, in violation of 18 U.S.C. §§ 554 & 371, and conspiracy to

possess a firearm in relation to a drug trafficking crime, in violation of 18 U.S.C. § 924(c) & (o). The second charge carries with it the presumption of detention. *See* 18 U.S.C. § 3142(e). If he is convicted of that charge alone, he faces a minimum of five years and up to life in prison.

Further, the witnesses who testified at the hearing presented evidence that Defendant, who is a Mexican citizen but a Legal Permanent Residence of the United States, obtained that status by making an asylum claim that he was afraid to remain in Mexico because he had been tortured by the cartels. But the witnesses also testified that there is evidence that Defendant has used his Legal Permanent Residence status to purchase multiple fifty caliber rifles, which he then sells to cartels in Mexico. Although he lives in San Antonio, and secured asylum based on representations of his fear of remaining in Mexico, the evidence presented suggests that Defendant has made frequent, recent trips to Mexico. There was also evidence presented that Defendant has multiple bank accounts in which he makes frequent large cash deposits, all below the reporting requirements, suggesting the deposits relate to illegal activity. The foregoing information, as well as Defendant's strong ties to Mexico and the fact that he will lose his LPR status if convicted, make him a significant flight risk.

For the foregoing reasons, detention is appropriate. Thus:

IT IS ORDERED that Defendant's Motion for Revocation Order and Request to Reopen Detention Hearing [#19] having been **GRANTED** by the District Court, and the undersigned having held a detention hearing, that the Government's Motion to Detain [#11] is **GRANTED**.

IT IS SO ORDERED.

SIGNED this 14th day of December, 2018.



ELIZABETH S. ("BETSY") CHESTNEY
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

United States of America

§

vs.

§

Criminal No. SA:18-M-01487(1)

(1) Jose J. Soto

§

Ref: 6:18-MJ-179(001)

FILED
DEC 17 2018
CLERK, U.S. DISTRICT CLERK
BY *[Signature]* DEPUTY
WESTERN DISTRICT OF TEXAS

ORDER OF REMOVAL

TO THE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF TEXAS:

(1) Jose J. Soto, charged in a proceeding pending in the Southern District of Texas

Corpus Christi DIVISION for: 18:922A.F ; 18:554.F ; and 18:371.F
and having been arrested in this district and having waived hearing as evidenced by waiver
attached hereto.

YOU ARE HEREBY COMMANDED to remove (1) Jose J. Soto forthwith
to the Corpus Christi DIVISION, and there deliver him/her to the United States Marshal
for that district or to some other officer authorized to receive him/her.

ORDERED at SAN ANTONIO, Texas on 17th day of December, 2018.

Elsp Soto
ELIZABETH S. ("BETSY") CHESTNEY
UNITED STATES MAGISTRATE JUDGE